

DOCUMENTS ON KASHMIR PROBLEM

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Reports and Recommendations

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Introduction

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947, was the result of the growth of national consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". In spite of this anti-feudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency, of 1931 awakened the national aspirations of the Kashmiris, which ultimately helped in the emergence of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and submitted a memorandum to the Cabinet

Mission of 1946 demanding absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir. Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India". When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people...the rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right". The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest whole valley rose in an uprising. On 19 June 1946 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress president that people in Kashmir were groaning under the reign of terror. Mahatma Gandhi visited Kashmir in August 1947 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim communalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade and the peoples' militia to defeat the aggression

of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyen of nationalism, succeeded in restoring Hindu-Muslim harmony in the valley when the rest of India was burning by communal holocaust. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah, and the establishment of popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 [S/628]. Pakistan made counter complaint [S/646] but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government". After debate the Security Council passed two resolution [S/651 and S/654]. It appointed a three member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts [S/ 1100; S/1196, and S/1430]. Part first of the report contained provisions for a cease fire. Part two dealt with a truce agreement, and Part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 6 January 1949 dealing with the plebiscite. The cease fire came into effect by 1 January 1949 and a cease fire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The security Council then appointed mediators. In 1949 General Mc Naughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite (S/1791). Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate, however, he suggested a direct negotiation between India and Pakistan. He submitted five reports S/2375, S/2448, S/2611, S/2783 and S/2967.

In July-August 1953 and in May 1955 the Prime Minister of both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting any change in the new constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to accept a plebiscite [SCOR, 12th Yr., Mtg. 761]. Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. [SCOR, 12th Yr. Mtgs. 762, 723 and 794]. The Security Council favoured plebiscite by adopting a resolution [S/3739] on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution,, [S/2821].

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced a hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non cooperation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Mookerjee called this policy as "national liability". This non-cooperation was also supported by Jayaprakash Narayan and Acharya Kripalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion "that there was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second."

Finally on midnight of 8-9 August 1953, the popularly elected leader of Kashmir was dismissed and imprisoned in a most undemocratic and uncereemonious fashion by violating the special provisions made in the Article 370 of the Constitution.

On 2 December 1957 Security Council passed a resolution S/3922 after considering of the Jarring report and directed P. Graham to make recommendations [S/3984] to the parties for facilitating a peaceful settlement and for the implementation of the resolution of the UNCIP of 15 August 1948 and 5 January 1949. The Graham report was rejected by India.

During Ayub Khan's regime Nehru-Ayub talks commenced in 1959 and 1960. On 6 October 1960 President Ayub Khan gave a threat of Military settlement of the Kashmir Problems. Threats and counter threats continued till Chinese aggression on India in October 1962. Besides Pakistani slogan of *Jehad* President Ayub Khan put pressure on USA to exercise its influence for the settlement of the Kashmir issue. The matter was again raised in the Security Council on 1 February 1962 by Pakistan Permanent Representative Zafrullah Khan who asked the Council to take up the consideration of the dispute and to secure to the Kashmiri people their right of self-determination [SCOR; 17 Yr. Mtg. 990]. In the subsequent meetings of the Security Council [Mtg. 1007 to 1016] Mr. Zafrullah Khan put forward his arguments in support of Pakistan's claim over Kashmir. Mr. C.S. Jha, India's permanent representative to the UN and Defence Minister Krishna Menon contested the Pakistani contentions [SCOR, Mtg. nos. 1009, 1011 and 1016] and supported by the U.S. representative and Indian position by the Soviet and Rumanian representatives. US and British representatives on 27 April 1962 tried to persuade the UN Secretary General U Thant for negotiating settlement. The issue was again raised by Mr. Plimpton, US representative, on 21 June 1962 and on 22 June 1962 when he succeeded in persuading the Irish representative to introduce draft resolution which was vetoed out by the Soviet Union [SCOR, 17 Yr. Mtg. 1016] Prime Minister Jawaharlal

Nehru expressed deep concern over the attitude of Great Powers—the U.S.A. and the U.K. After the Chinese invasion on India both Nehru and Ayub agreed for negotiated settlement. Six round of Bhatto—Swaran Singh talks were held between 27 December 1962 to 16 May 1963. The talks failed on the question of distribution of areas.

The disturbances in Kashmir on the disappearance of the hair of prophet Mohammad from the Hazaratbal shrine on the night of 26-27 December 1963 gave opportunity to Pakistan to raise Kashmir question in the Security Council. Though the hair was recovered, Pakistan's Minister of External Affairs, Z.A. Bhutto sent a letter to the Security Council for an urgent meeting [S/5516] to debate on grave situation of the State. Mr. Bhutto asked for a "move towards an honourable and joint solution" of the problem in Security Council's meetings held between 7 February to 11 May 1964 [Mtgs. Nos. 1087, 1089, 1104, 1112 and 1114]. Refuting the charges Mr. M.C. Chagla and Mr. B.N. Chakraverti described the incident as "purely a domestic matter".]Mtg, nos. 1088, 1104, 1113 and 1115]. Though Mr. Roger Seydoux, President of the Council submitted his statement on 18 May 1964 but nothing tangible came out of the debate. [SCOR, Mtg. no. 117].

The Indian government released Sheikh Abdullah on 8 April 1964 withdrawing all charges against him. He was sent to Pakistan to resolve the issue but sudden death of Nehru on 27 May 1964 dashed all hopes. Ayub-Shastri meeting on 12 October 1964 at Karachi and J.P. Narayan's visit to Pakistan brought no change in the attitude of both the countries. Meanwhile Sheikh Abdullah was again arrested on 8 May 1965 on charge of anti-India propaganda. Sino-Pak unison persuaded Pakistan to send armed infiltration into the valley from 6 August 1965. India reacted against this attack specially in the Chhamb. The war was stopped on 22 September. Tashkent Declarations, signed on 10 January 1966 restored the *Status quo* in Jammu and Kashmir as it was existed before the 5 August 1965. The Pakistan Foreign Secretary Aziz Ahmed and

later on 14 January 1966 President Ayub Khan declared that peace could not be achieved unless the dispute over Jammu and Kashmir was settled honourably and equitably. Bhutto also blamed India for creation of the problem. Talking to the British Prime Minister Harold Wilson on 23 November 1966, Pakistani President Ayub Khan said that people of Kashmir "did not like Indian rule" and added that India did not honour the commitment under the Tashkent Declaration. Not only this while speaking before the UN General Assembly meeting on 29 September 1966 Pakistan Foreign Minister, Sharifuddin Pirzada accused India for not honouring the UNCIP resolution of 13 August 1948 and 5 January 1949 about holding of a free and impartial plebiscite [GAOR, Pl. Mtg. 1423]. He also tried to raise this issue in the Commonwealth Prime Ministers' meeting held in London on 13 September 1966. He charged the Indian government with reluctance to allow the Kashmiri people to exercise the right of self determination. Even Prime Minister Mrs. Indira Gandhi gave statement in Lok Sabha that "India is not obliged by the Tashkent Declaration to settle the Kashmir dispute with Pakistan". Pakistan government started anti-India propaganda. Ayub Khan described Indian army as "special danger to Pakistan". He stressed on the solution of the Kashmir problem. On 10 October 1967 Pakistani Foreign Minister Mr. S. Pirzada raised a question in the UN General Assembly meeting [GAOR, Plu. Mt. 1584] and demanded "self-determination" for the people Kashmir, to which India was committed. Similar demands were made by Arshad Hussain, the new foreign minister of Pakistan in the UN General Assembly meeting [GAOR, Pl. Mtg. 1982] and Pakistan's National Affairs Minister Nawabzada Muhammad Sher Ali Khan, [GAOR Pl. Mtg. 1775] on October 2, 1969. Pakistani Home Minister Sardar Hamid accused India for avoiding discussions in the United Nations [GAOR, Pl Mtg. 1853] on 29 September 1970. Meanwhile, Pakistani press, specially *Pakistan Times* and *Dawn* made vehement propaganda against India. "That India is suppressing freedom of the press in occupied Kashmir and adopting ruthless measures in curbing the students and youth" Kashmiris are treated as second class citizens. Pakistan supported the terrorists in Kashmir.

A hand grenade was thrown on the Kashmir Chief Minister, G.M. Sadiq on 16 May 1966. Terrorists confessed that they were imparted training by Pakistani officers. The subversive activities of the Pakistani infiltrators continued till date. The cease-fire violations took place frequently. Both India and Pakistan accused each other for violation of cease-fire agreement. In short Kashmir remained full disturbed between 1966 and 1969.

Pakistan protested strongly against India's measures to extend the application of Indian laws to Kashmir and described these contrary to the UNCIP and other resolutions of the United Nations. These bills, according to Pakistan, would give sweeping powers to the Indian Government to outlaw any organisation or any individual found guilty of questioning the India's sovereignty over any of the territories.

On 11 January 1968 Prime Minister Mrs. Indira Gandhi and Deputy Prime Minister, Morarji Desai desired to normalise relations with Pakistan by implementation of Tashkent Agreement but Pakistan did not respond favourably. Pakistan was insisting on "meaningful discussions on Kashmir". India's appeal to Pakistan for 'no-war pact' was turned down by Ayub Khan who described this proposal as "misleading" unless Kashmir dispute was solved. During the time Shiekh Abdullah and Mirza Afzal Beg were released from Jail on 3 January 1968. They demanded self determination for the Kashmiris. The hostile and anti-India attitude of Sheikh Abdullah put India in embarrassing situation.

General A.M. Yahya Khan who assumed the charge from President Ayub Khan on 25 March 1969 showed his willingness for some time to establish a peaceful atmosphere between the two countries. Mrs. Indira Gandhi sent a personal letter to Mr. Khan on 22 June 1969 and suggested to revive the no-war pact proposal and a joint machinery to examine comprehensively all aspects of normalisation of relation. General Yahya Khan accepted the proposal with provision that the machinery of Indo Pakistani body should discuss all issues including Kashmir and Farakka barrage. But after the exchange of

letters between the two governments, no follow-up actions could be taken up by either of the governments. Instead letters between the two governments, no follow-up actions could be taken up by either of the governments. Instead President Yahya Khan banned all the exchange of printed materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z. A. Bhutto advocated for quasi-military approach for the solution. Ashohar Khan recommended algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising was bogy against India. He formed Pakistan People's Party on 1 December 1967, December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India-Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airline plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of 1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Haq, Prime Minister Benazir Bhutto, Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Documents on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications of the Government of India and Pakistan, United Nations and official documents, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly—and Parliamentary debates, reports and recommendations, letters, telegrams etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue. Compilers have made an honest attempt to be objective and impartial in compiling, editing and presenting the documents to prove their authenticity. The sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library, New Delhi for the help rendered to us during our visits there.

***Report of the First United
Nations Representative, Sir
Owen Dixon, and Appointment
of a Successor, Mr. Frank
P. Graham***

(a) Introduction

Sir Owen Dixon's report, submitted on 15 September 1950 [S/1791] indicated no further progress towards the demilitarization of the State or towards agreement on other means for disposing of the State of Jammu and Kashmir. Sir Owen Dixon wondered whether it might not be better to leave the parties to themselves in negotiating terms for the settlement of the problem, and indicated that he was not prepared to recommend any further course of action on the part of the Council.

In a letter dated 14 December [S/1942], the Minister for Foreign Affairs of Pakistan expressed concern over the delay in dealing with the report of the United Nations Representative, and declared that various steps were being taken by the Government of India and the Maharajah's Government in

Kashmir to prejudice the holding of a free and impartial plebiscite to decide on the accession of the State.

At the 503rd meeting [26 September], the President of the Security Council had already expressed the Council's gratitude to the United Nations Representative and had voiced the Council's wish to relieve him of his mission in accordance with Sir Owen Dixon's request. The Council undertook consideration of the report at its 532nd meeting [21 February 1951]. After considerable discussion, a revised joint draft resolution submitted by the United Kingdom and the United States [S/2017/Rev.1] was adopted at the 539th meeting [30-March], *inter alia*, reminding the Governments and authorities concerned of the principle embodied in various Security Council resolutions that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through a free and impartial plebiscite conducted under the auspices of the United Nations, providing for appointment of a United Nations Representative to succeed Sir Owen Dixon and instructing that Representative, *inter alia*, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the two UNCIP resolutions. At the 543rd meeting [30 April], the Council approved the appointment of Mr. Frank P. Graham as United Nations Representative.

- (b) Report of Sir Owen Dixon, United Nations Representative for India and Pakistan [Original text, Sept. 1950].

I have the honour to submit to the Security Council the following report of my attempt to carry out the duties committed to me by the resolution of the Security Council of 14 March 1950[S/1469].

By that resolution the Security Council called upon the Governments of India and Pakistan to make immediate arrangements to prepare and execute within a period of five months from that date a programme of demilitarization on the

basis of certain principles or of some agreed modification of those principles. The Security Council by the same resolution decided to appoint a United Nations Representative for certain purposes, which included assisting in the preparation of the programme of demilitarization, placing before the Governments or the Security Council any suggestions which in his opinion would be likely to contribute to the expeditious and enduring solution of the dispute between the two Governments about the State of Jammu and Kashmir, exercising the powers that belonged to the United Nations Commission for India and Pakistan and reporting to the Security Council.

The choice of the Security Council fell upon me and on 13 April I received news in Sydney of my appointment as United Nations Representative. I at once took steps to discharge myself of my then current responsibilities in Australia and on 26 April I left Sydney for Lake Success. I left New York on 21 May 1950 for New Delhi via London, having spent the interval from my arrival on 28 April in obtaining as much information as I could about the nature of the problem with which I was to deal, in making necessary administrative arrangements and in dealing with the appointment of a staff.

I went first to New Delhi rather than to Karachi, because the Prime Minister of India was about to leave for Indonesia and wished to see me before his departure. The Prime Minister of Pakistan was at that time in the United States. I arrived in New Delhi on 27 May 1950. By that time over ten weeks of the five months mentioned in the paragraph 1 of the Security Council's resolution had elapsed, but so far as I am aware no steps in pursuance of the paragraph had been taken by the two Governments. I spent some days learning from the Prime Minister of India and from members and officers of his administration the nature of India's contentions and its standpoint generally concerning the Kashmir dispute.

On 1 June I went to Karachi and there I obtained from Sir Mohammad Zafrullah Khan and members and officers

of the Pakistan Government the corresponding kind of information about Pakistan's position.

I left Karachi for Srinagar in the Kashmir valley on 7 June. I remained in Jammu and Kashmir with my base at Srinagar from that date until 12 July. My purpose in going to Kashmir was to obtain a knowledge of the country, the people the topographical features, the cease-fire line, the general disposition of the armed forces on either side of the cease-fire line and the other conditions and circumstances existing in the State which would or might assist me in understanding the dispute and the possible means of resolving it. I moved about a good deal and, amongst other places, I visited Bandipura, Sonamarg and Baltal, Poonch and the adjacent area, Rawaakot, the road from Rawalpindi through to Srinagar along the Jhelum Valley, which I traversed several times, and places and posts along that route, Skardu and Gilgit, Jammu and adjacent posts and Leh.

While I was in Srinagar I had more than one interview with Sheikh Abdullah, the Prime Minister of the State.

After I had completed my journeys, inspections and enquiries I remained at Srinagar and occupied myself in the consideration and preparation of plans. I would not have remained in Srinagar so long had it not been for the continued absence from the subcontinent of both Prime Ministers. I had formed the opinion that my best course was to deal with the Prime Ministers and if possible bring them together at a meeting with me at which a sustained effort might be made to effect a settlement.

The situation as I found it presented strange features. The parties had agreed that the fate of the State as whole should be settled by a general plebiscite, but over a considerable period of time they had failed to agree on any of the preliminary measures which it was clearly necessary to take before it was possible to set up an organization to take a plebiscite. From 20 October 1947 to 1 January 1949 the State

of Jammu and Kashmir had been the scene of continual fighting and some very serious and difficult military operations had been conducted there. But the fighting had been confined to the State. On 1 January 1949 there was a cease-fire ordered upon the respective fronts and in July India and Pakistan agreed upon the position on the ground of the line which was to separate the territories they had respectively. On the Indian side of this cease-fire line the forces occupying the territory consisted of troops of the regular Indian Army, State troops and State militia. On the Pakistan side the forces were composed of troops of the regular Pakistan Army, *Azad* Kashmir forces and Northern Scouts. The cease-fire line itself was held in strength and thus two considerable armies stood opposed to one another.

The United Nations had established a corps of officers provided by various countries to act as observers and assist in maintaining the cease-fire along the line and to secure compliance by the parties with the terms of the armistice. Incidents in which the troops on one side fired on troops on the other or upon a civilian or civilians occurred frequently at some point or another on the line, but the incidents nearly all proved of small importance relatively and none threatened a general outbreak of hostilities.

The territory on the Pakistan side of the cease-fire line seemed to be administered through an *Azad* Kashmir "Government" on the west but in the north through political agents directly responsible to the Pakistan Government.

On the Indian side of the cease-fire line the administration of the State was in the hands of the Sheikh Abdullah and his colleagues, subject however to the federal powers of India over such matters as defence and external affairs, obtained under the instrument of accession to India. (See paragraph 370 of the Constitution of India. These powers, however, were extensive enough the purpose of any matter which could arise in relation to the Kashmir dispute or its settlement.

It was obvious to me that in my attempt to settle the dispute I must be governed by the course that had been taken by the Security Council and the United Nations Commission for India and Pakistan and agreed upon by the parties. It might be true that the chances of such a course proving successful were much reduced by the failure of the parties over so long a period of time, notwithstanding the assistance of the Commission, to agree upon any practical measures in pursuance of that course for the solution of the problem. But the terms of the agreed resolution of 5 January 1949 were specific in appointing a free and impartial plebiscite as the means by which the question of the secession of the State of Jammu and Kashmir to India or Pakistan would be decided. What was wanting was agreement upon the matters, including demilitarization which were preliminary to even the commencement of the necessary arrangements for the taking of a poll of the inhabitants.

Primarily my duty, as I conceived it, was to attempt to bring about an agreement upon measures by the execution of which it would be made possible for the Plebiscite Administrator to begin his work of organizing an over-all plebiscite. Only if and when I was satisfied that no such agreement could be brought about and all real chance of it had ended, ought I to turn to some form of settlement other than a plebiscite of the whole State. At the earliest stage possible I informed each of the parties that this was the position I adopted.

In examining the history of past attempts to effect a settlement of the dispute and in listening to India's explanation of its case and of the stand it took. I formed the opinion that if I was to succeed in bringing about an agreement upon the matters preliminary to an over-all plebiscite it would be necessary to meet certain objection which it would make. There was first the allegation, so often repeated by India, that Pakistan was an aggressor who had no *locus standi* and whose troops had no title to be within the State. There was the posi-

tion taken by India that during the period of preparation for and the taking of the plebiscite that territory to the west of the cease-fire line should not be under the immediate governmental authority and direction of Pakistan or be administered by the *Azad Kashmir* "Government." There was the claim made by India that there must be no impairment of or prejudice to the recognition of the sovereignty of the State of Jammu and Kashmir over the northern areas, i.e., the areas the north of the cease-fire line when it turns to run east. There was the assertion that if there was a very great reduction of troops on India's side of the cease-fire line, there would be danger of further incursions from the other side of the line. These were objections the application and consequences of which might be developed in detail, but it is enough for me to state briefly their nature.

In preparing my plans to lay before the Prime Ministers I endeavoured to meet these various positions. But I was very much alive both to necessity and the difficulty of securing the freedom and fairness of the plebiscite. The plans I had in mind for the Pakistan side of the cease-fire line would I thought, remove any difficulty there. But I felt much concern about the Indian side of the cease-fire line. If bodies of troops belonging to one side remained in populous areas, if all the powers of Sheikh Abdullah's Administration, which had the deepest possible interest in the result of the poll, remained exercizable, if the State militia went about under arms and the State police were left to exert whatever influence arises from their position in such a community, it appeared to me that there were the gravest dangers to a free expression of the will of the inhabitants, and almost a certainty that if the result was adverse to Pakistan it would challenge the plebiscite as neither free nor fair. I therefore worked up more than one plan or set of plans to deal with this situation. In doing so I saw that this was a question in which the Security Council itself was directly interested. For the plebiscite was to be conducted

under its authority and it would not be right for me as the United Nations Representative to but forward or consent to conditions of settlement which would expose a plebiscite taken by the United Nations to reasonable, suspicion, on the ground that because of intimidation or the apprehensions of the voters for other reasons, it was not free and fair.

The Prime Minister of India returned to New Delhi on 24 June 1950 and the Prime Minister of Pakistan returned to Karachi on 13 July 1950. They both agreed to meet me in New Delhi on Thursday 20 July for the purpose of attempting together to settle the Kashmir question.

The meeting began at 4 o'clock in the afternoon of the day arranged and continued from day to day until Monday, 24 July, when by common consent it was brought to an end. At the opening of the meeting I informed the two Prime Ministers that as far as I was concerned they could talk with the utmost freedom because, subject to one qualification, what they said need not be disclosed. That qualification was that, if my mission failed. I must report to the Security Council the nature of the proposals made and rejected, and if, on the other hand, agreement was reached, the agreement would of course be reported. I stated at the outset that I proposed to pursue the question of the measures necessary to make it possible to hold a plebiscite to determine the destination of the State of Jammu and Kashmir as a whole, the first measure being of course the demilitarization of the area.

I found that neither country had any affirmative plans or proposals which its Prime Minister wished to put forward. I therefore proceeded to describe the course which I would propose to them.

The first matter which I raised was the necessity, in the event of agreement, of insuring that each party felt full confidence that whatever steps a settlement might make incumbent on the other party would, in fact, be taken, more particularly in the withdrawal of troops and the reduction of

military strength, and I suggested that, independently of other reasons for confidence which I emphasized, this could be secured by avoiding indefinite undertakings and by stipulating that no cause for refusal or failure to do what the party undertook to do should suffice unless an appropriate authority of the United Nations so certified. To this there appeared to be no specific objection.

Upon a number of occasions in the course of the period beginning with the reference on 1 January 1948 of the Kashmir dispute to the Security Council, India had advanced not only the contention to which I have already referred that Pakistan was an aggressor, but the further contention that this should be declared. The Prime Minister of India, at an early stage of the meeting made the same contention and he referred to it repeatedly during the conference. I took up the positions, first that the Security Council had not made such a declaration; secondly that I had neither been commissioned to make nor had I made any judicial investigation of the issue; but thirdly that, without going into the causes or reasons why it happened, which presumably formed part of the history of the subcontinent, I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed, on 1 believe 20 October 1947, by hostile elements, it was contrary to international law, and that when, in May 1948, as I believe, units of the regular Pakistan forces moved into the territory of the State, that too was inconsistent with international law.

I therefore proposed that the first step in demilitarization should consist in the withdrawal of the Pakistan regular force commencing on a named day. After a significant number of days from the named day, then other operations on each side of the cease-fire line should take place and far as practicable, concurrently. What number of days should be fixed as significant was a matter of detail for them to settle.

The Prime Minister of Pakistan expressed strongly his dissent from the third of the three positions I took up, that is to say the third of the positions stated above. But he expressed his readiness to accept, in compliance with my request, the proposition that as a first step in demilitarization the withdrawal of the regular forces of the Pakistan Army should begin on a specified day and that a significant number of days should elapse before the commencement of any operation involving forces on the Indian side of the cease-fire line.

The purpose of this report in dealing with the meeting is to state what proposals were made and the extent to which they were rejected. For that purpose it is not necessary to adhere to order followed in the discussion, an order governed by the desirability of giving the Prime Ministers a general understanding of the basis of my proposals and also of pursuing them and any alternative suggestions in detail. I shall therefore state at once in outline what were the rest of my proposals for demilitarization of the area.

After fixing a day and hour for the withdrawal of the forces of the Pakistan regular army from the area west or west and north of the cease-fire line, the parties would, according to my proposal, fix so many days, from the commencement of such withdrawal, for India to begin the removal of the armed forces in the area east and south of the cease-fire line I asked for :

- (a) The withdrawal of the forces of the Indian regular army ;
- (b) The withdrawal or disarming and disbandment of the Jammu and Kashmir State forces ;
- (c) The disarming and disbandment of the Jammu and Kashmir State Militia.

I made no stipulation as to the sequence of these three operations relatively to one another.

On the other side of the cease-fire line my proposal was that Pakistan would commence to disarm and disband :

- (a) the *Azad* Kashmir force ; and
- (b) the Northern Scouts.

I proposed that the day and hour for Pakistan's commencing to do so should be fixed by reference to the withdrawal of the Pakistan regular army. I suggested that the foregoing operations on each side should be divided into phases and that plans should be prepared for the carrying out of each phase by the respective Chiefs of Staff, and that my Military Adviser should consider each plan and should be entitled to recommend alterations.

I also suggested that the Pakistan plans should be settled first and that then my Military Adviser should furnish them to the India Chief of Staff so that such plans would be before them when settling their own plans.

Turning to the forces that either party might need on their respective sides of the present cease-fire line after demilitarization and pending the plebiscite, I said that this should be determined according to purpose. The presence of armed forces during the period preceding the taking of the vote and while it was being taken tended against the independence of voting and the fairness of the poll, and the number of the troops should therefore be as small as possible, I suggested that if the purpose was defined for which armed forces were needed it would then become a matter for the Chiefs of Staff in consultation with my Military Adviser to agree on the forces to be used and their disposition.

I said that as far as I could see there could be no need for troops unless for one or other of certain possible purposes which I stated. On the Pakistan side I mentioned the purposes :

- (a) Of ensuring the fulfilment of the obligation of Pakistan not to permit tribesmen, marauders or other raiders to enter the Kashmir Valley from its side of the cease-fire line ;

- (b) Of disarming and disbanding the *Azad* forces, a temporary purpose involving perhaps chiefly the Ordnance Corps ;
- (c) Of quietening the fears which might possibly arise among Muslims, if they were left entirely without any ostensible protection, and perhaps of aiding the civil power in maintaining order.

On the Indian side the purpose of troops would be :

- (a) To be available in aid of the civil power in maintaining order where the population was mixed in the south or south west of the State.
- (b) To guard the northern approaches to the Valley against possible incursions through or by way of the Jhelum Valley, Keran and Tithwal and thence by Handwara, the Tragbal Pass from Gurais to Bandipura and the Zoji-la Pass and thence to Baltal and Sonamarg.

The Prime Minister of India rejected this plan on grounds of which it is impossible in this report to give an exhaustive statement. But he made these points and they are enough for the purpose of this report without going into arguments of a more abstract description. I state the points in a summary form :

- (a) The possibility of Pakistan making an attack notwithstanding the withdrawal of its forces and notwithstanding any assurance it might give must be taken into account amongst other dangers for which Indian might need forces on its side of the cease-fire line pending the plebiscite.
- (b) The need for protecting the area against the incursions of marauders or more serious dangers could not be limited to specific approaches such as I had mentioned.
- (c) The Militia, which were organized and paid by the State, though under the command of Indian officers.

performed duties of police and in any case could not be disarmed and disbanded without pre-judging the organization of the State. It was a thing India would not ask the State to do.

- (d) The reason why India was being asked to limit the forces it would use in discharging its responsibilities in the defence of the State as part of India was because there had been an invasion of the State and because Pakistan and *Azad* forces remained within its boundaries, and that was a thing India could not countenance for a moment.

These matters were elaborately discussed.

To the first point the Prime Minister of Pakistan replied that Pakistan would commit no such breach of faith, that in any case it would be folly for it to do so and even greater folly to commit its forces to an attack in Kashmir, and that to retain forces in order to protect the area against such a possible attack meant there was to be no demilitarization. With reference to the third point. I said that it was immaterial to me how the Militia were dealt with or disposed of so long as they did not form a body of armed men in excess of the forces which were allowed to remain on the Indian side of the 'cease-fire line because they were agreed to be necessary for the military purposes in contemplation. There were other ways of seeing that they were not present as a body of armed men in the area while the vote was about to be taken. But it was inconsistent with the fairness or freedom of the plebiscite to have any such exhibition of force as would be involved in the presence of the Militia, more especially as the State Government was so vitally interested in the result of the plebiscite. As to the fourth point I said that the reason for my asking for a restriction of the armed forces in the area was in order to ensure the freedom and fairness of voting at a plebiscite to be conducted by the Plebiscite Administrator for the United Nations, and it was not because of the events to which he referred.

The Prime Minister of India had spoken of the kind of forces that should be used on the Pakistan side of the cease-fire line and had said that their purpose must be civil and they must have a civil character.

The Prime Minister of Pakistan did not deal with this question.

The attempt to obtain demilitarization appeared to break down because of the foregoing objections. No alternatives were suggested and no solution of the difficulties was put forward by either party.

The resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949 were based on the assumption that the boundary formed by the cease-fire line would continue until the plebiscite was held notwithstanding demilitarization. Neither Prime Minister sought to depart from this assumption. But India's attitude had been that no authority other than that of the State should be recognized in the area on the other side of the cease-fire line and paragraph 3 of section A of part II of the resolution of 13 August 1948 provided that, pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

To meet India's position, which was emphatically maintained, and to resolve the difficulties to which the uncertainty of the meaning of the words "local authorities" and "surveillance" had given rise, I put forward a proposal for the area west of the cease-fire line. According to the proposal the administration of the services of government would proceed according to the law and custom of the State as existing before the troubles arose. It would be carried on by the persons now holding or assuming to hold the offices of district magistrate or subordinate offices. To insure that they carried out their duties and exercised their powers fairly and impartially and without interference with or prejudice to the holding of the plebiscite or what the Plebiscite Administrator directed, an

officer of the United Nations would be attached to every district magistrate. His powers would be of supervision and he would report to the United Nations Representative, or his delegate, who would take what steps he considered desirable.

I proposed that it should be expressly provided that neither that provision nor any other provision in the agreement should be taken to import any recognition of the existence of any source of legal authority in such territory other than one depending upon and derived from the law of the State or to imply any derogation from or prejudice to the sovereignty of the State. I pointed out that my purpose was to provide for the practical exigencies which an interim period created and at the same time to give effect to the principle for which India sought recognition.

To this plan, however, the Prime Minister of India objected, chiefly, as I understood it, on the ground that it recognized existing district magistrates and subordinate officers and that, in the period since the troubles arose, men had been appointed to replace the former officers, and that they or some of them were or might be repugnant to India. No alteration of the plan however was suggested and no alternative was put forward.

For the northern areas, that is the territory north of the cease-fire line and east of the district of Muzaffarabad and of the Gilgit Subdivision and of the political districts of Gilgit Agency, I put forward a separate proposal. I did so because special difficulties appeared to be raised by the objections of India that, during the interim period from demilitarization to the plebiscite, the authority of Pakistan should not continue and should not be recognized. My proposal there was to appoint political agents representing the United Nations and to vest authority in them. The plan provided that instead of the existing assistant political agents there should be a political agent or agents appointed by or under the authority of the Security

Council of the United Nations, after consultation with India and Pakistan. The plan went on to make the power of these officers depend upon the law and custom of the State as at 1 August 1947 and to place upon them the responsibility of causing the powers vested in them to be so exercised that there would be no interference with or prejudice to either the holding of the plebiscite or the directions of the Plebiscite Administrator, and so that the administration should be fair and impartial. But, save as aforesaid, such an officer might administer the government through existing channels of authority and through the officers holding office, and he might act through the present assistant political agent

To this solution of the difficulty raised about the northern areas the Prime Minister of India objected on the grounds :

- (a) That existing officers appointed by Pakistan were of a character which India could not countenance.
- (b) That any consultation with Pakistan recognized its title to be in the Northern Area.
- (c) That the political agents representing the United Nations would be necessarily guided by existing administrative officers and would be unable effectively to insure fairness etc.
- (d) That in any event India must place garrisons or military posts in certain places on the northern side of the cease-fire line.

It was clear to me that Pakistan could not be expected to agree to the fourth objection. As to the other objections India did not put forward any suggestion for the amendment of the plan or for any alternative solution.

On the Indian side of the cease-fire line it appeared to me that some provision was necessary to ensure that arbitrary powers which at present exist were not exercised so as to interfere with the freedom of the plebiscite and that police powers were not so used. As I have already said the Government of the State would be vitally interested in the result of the plebis-

cite. Paragraph 7 of the resolution of 5 January 1949 contains general provisions directed to considerations of this kind, I therefore put forward a proposal that, in order to give more specific effect to the undertakings given in paragraph 7 of the Commission's agreed resolution of 5 January concerning the free expression of political opinion and the release of political prisoners, the agreement should state that, immediately upon a date or period being formally named by the Plebiscite Administrator, certain provisions should apply until the final result of the vote had been declared by him. These provisions were that :

- (a) A United Nations officer would be posted with or attached to each district magistrate.
- (b) He should be entitled to see the administrative records and proceedings of the district magistrates and all officers subordinate to the magistrate.
- (c) The duties of the United Nations officer would include observation, inspection, remonstrance and report.
- (d) Without the prior consent in writing of the United Nations officer, no warrant or order for the arrest of any person should be granted or made under emergency powers, or any powers of detention or imprisonment or administration, and all prisoners held under the authority of any like warrant or order when such date or period was formally named by the Plebiscite Administrator should be set free within seven days, except prisoners to whose further detention the United Nations officer consented in writing. The proposal expressly excluded from the operation of the clause a warrant for the apprehension of a person on a criminal charge for the purpose of bringing him before a magistrate so that the charge may be dealt with, a warrant or order committing for trial or committing or remanding to goal pending an

adjournment of the hearing a charge, a conviction upon a criminal charge, and any order made in the exercise of judicial power.

To this plan the Prime Minister of India objected on the grounds that it involved an interference with the integrity of the functions of the State and an impairment of the powers of arrest, which might prove dangerous in the case of subversive elements and of person seeking to take advantage of the situation to stir up communal strife and violence.

Again no modifications or alternatives were put forward or suggested. All these matters were fully discussed.

It will be seen that the plans described up to this point for dealing with the questions concerning the demilitarization of the State and other preparations for the the taking of the plebiscite dealt with these matters on the assumption that during the period of the plebiscite the State would be divided by the cease-fire line as a political boundary. It is evident that if the State could have been placed under one administration so that the political boundary would cease to exist a great many of the difficulties to which the foregoing plans were directed would disappear. Therefore by way of an alternative I put forward plans for bringing into existence for the plebiscite period a single government for the whole State. The plans were of there descriptions and I asked the Prime Ministers whether it was possible to put one or other of them into effect.

The first possibility about which I required was that of bringing into existence a coalition government, that is either a coalition brought about by a meeting of Sheikh Abdullah and Mr. Ghulam Abbas, Supreme Head of the *Azad* Kashmir Movement, or by placing certain portfolios at the disposal of the respective parties.

The second plan was for the formation of an administration for the entire State composed of trusted persons outside politics holding high judicial or administrative office and commanding general confidence. They body would be charged

with the administration of the government of the State for a fixed period before the poll, perhaps six months before it. The Chairman would be appointed by the United Nations, and of the other members half would represent Hindus and half Muslims. The existing Ministers would continue to hold office but they would be relieved of their responsibilities during the period.

The third plan differed from the second only in the constitution of the administrative body. It was to be constituted altogether of United Nations representatives. None of these suggestions commented themselves to the Prime Minister of India.

In the course of the conference I mentioned very briefly one or two other possible ways of reaching a plebiscite. In the end I became convinced that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of the plebiscite of any such character, as would in my opinion permit of the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled.

Having come to this conclusion I thought that I must either abandon all attempt to settle the dispute or turn from the plebiscite by which the destination of the whole State would be decided to some different solution. I ascertained from the Prime Ministers that they considered that with such a plebiscite in view, there was no longer any hope of agreement upon demilitarization or upon the conditions which would follow demilitarization or upon any modified form of demilitarization or upon any course that would advance the position towards a settlement.

Having done so, I asked the Prime Minister of India, the Prime Minister of Pakistan being present, what was the attitude of India :

- (a) To a plan for taking the plebiscite by sections or areas and the allocation of each section or area according to the result of the vote therein : or
- (b) To a plan by which it was conceded that some areas were certain to vote for accession to Pakistan and some for accession to India and by which, without taking a vote therein, they should be allotted accordingly and the plebiscite should be confined only to the uncertain area, which I said appeared to be the Valley of Kashmir and perhaps some adjacent country.

I pointed out that in both cases it would be necessary to provide against the possibility of a break in the continuity of the territory which would go to the one party or to the other. I also pointed out that the second alternative might be worked out according to the 1941 census alone or upon wider considerations as well as the information it contains. Further I said that it would be necessary to agree that if the result was to put the upper waters of the Chenab River into the control of India, it would not divert them by artificial works so that Pakistan would receive a sensibly reduced volume of water.

The Prime Minister of Pakistan protested against the course proposed on the ground that it meant a breach on India's part of the agreement that the destination of the State of Jammu and Kashmir as a whole should be decided by a single plebiscite taken over the entire State. But at my request the Prime Minister of India said that he would inform me of the views of India upon such a method of settling the Kashmir problem.

The Prime Ministers thereupon agreed to the adjournment of the conference.

In taking the course I have described I acted under the resolution of the Security Council dated 14 March 1950 by which I was required to place before the two Governments any suggestion which in my opinion was likely to lead to the

solution of the dispute. Notwithstanding the attitude of the Prime Minister of Pakistan I considered that the unless it was by a partition of the State either outright, or combined with a partial plebiscite limited to an area which included the Valley of Kashmir, no agreed settlement of the Kashmir dispute could be brought about. From that time therefore I devoted myself to an attempt to negotiate a settlement in such manner.

I spent some time in New Delhi for the purpose of obtaining from India as definite an understanding as might be of its position with respect the suggested lines of settlement. After consideration the Indian authorities informed me that the Government of India would be prepared to discuss a settlement of the Kashmir dispute on the basis of certain principles. The principles were, first, that the areas of the State of Jammu and Kashmir where there is no apparent doubt as to the wishes of the people in those areas, should go to India or Pakistan without a plebiscite ; secondly, that the plebiscite should be limited to those areas where there is doubt as to the result of the voting : and thirdly, that the demarcation should have due regard to geographical features and to the requirements of an international boundary. I was informed that in applying these principles the Government had been led to some conclusions which were described as tentative.

In the first place there should be a plebiscite in the Valley of Kashmir. The area should, however, include part of the Muzaffarabad District to bring in what India regarded as the natural geographical feature provided by the river Kishanganga and its watershed on the north.

In the second place India considered that the following areas should go to it :

- (a) The Province of Jammu so far as it lies east of the cease-fire line subject to minor corrections : one correction was to reduce the bulge in the cease-fire line near Gulmarg.

- (b) In the district of Ladakh, the *tehsil* of Ladakh and the *tehsil* of Kargil, except approximately the area above the Suru River, which should go to India or Pakistan according to the result of the plebiscite of the Valley.

In the third place India was willing that the following areas should go to Pakistan. *viz.* Gilgit, Gilgit Agency, Gilgit Wazzrat, political districts and tribal territory and Baltistan, and so much of the Jammu Province as lies to the west of the cease-fire line as corrected.

India contemplated a boundary commission to apply on the ground the division which might be decided upon.

It also appeared that India was prepared to include in any such settlement a term that it would not be any artificial work in the State divert the waters of the Chenab River or reduce the flow substantially of the waters of the river, except that it might construct canals for irrigation confined within the State. Without reducing the waters of the stream, it might establish hydro-electric works for the production of electrical energy.

I was told that the Prime Minister of India would be prepared to attend another conference with the Prime Minister of Pakistan and me, so that the possibility of a settlement on such principles might be discussed.

The territorial demands which the foregoing information disclosed appeared to me to go much beyond what, according to my conception of the situation, was reasonable, and I so stated to the Indian authorities.

Thus armed with a knowledge of the position taken up by India, I went to Karachi.

I told the Prime Minister of Pakistan of what I had learned from India as the position it took, but I added an expression of my own opinion that the territorial claims it involved went too far and did not represent the division of the State to which in the end India might be expected

to agree. But the Government of Pakistan declined to attend a conference on the footing I proposed in order to discuss, in the light of the position taken by India, the possibility of settling the dispute.

The primary reason of the Government of Pakistan for refusing to do so lay in its unwillingness to depart at all from the claim that the fate of the entire State of Jammu and Kashmir should be decided by an over-all plebiscite and that India ought to have agreed and ought still to agree on measures for holding such a plebiscite, and in its fear lest, by attending a conference to discuss an alternative plan, it might be considered to abandon that claim.

But as a second ground it was said that India's position was too indefinite, and if it wished to embark upon discussions of the possibility of settlement according the suggested principles, it should itself make definite proposals.

I urged upon the Government of Pakistan the view that, by coming to a conference to discuss an alternative possible settlement, it could not be held to abandon its main contention, and that the purpose of a conference was by discussion to define what things things parties were respectively prepared to concede and upon what things they took a fixed position. It was enough that the basis of the settlement to be discussed was a limited plebiscite and partition of the rest of the State, the Kahsmir Valley being included in the plebiscite area. I did not see why it should not be possible for the parties to argue out the boundaries of the plebiscite area, the division of the remaining territory and the conditions for securing the independence of the voting until either they saw that they could not agree or else found some basis of agreement. Even on the assumption that the conference failed, Pakistan would come away from it better informed and, so far as I could see, without having suffered any real prejudice. But of the soundness of this view I was unable to persuade its Govern-

ment. Pakistan maintained its refusal to attend a conference of the kind I proposed.

In the course of the discussion, however, I ascertained that if the basis of suggested settlement had been simple partition, a solution having the advantages of being immediate in its operation and self-executing, Pakistan would consider the matter, provided that it took the Kashmir Valley. I had little doubt however that India would not concede the Valley of Kashmir in an over-all partition.

I returned to New Delhi and informed the Prime Minister of India of position taken by Pakistan. As I had expected, he declined to consider at all an over-all partition in which the Valley of Kashmir went to Pakistan.

The stand adopted by the Prime Minister of Pakistan had led me to the conclusion that there no longer existed any possibility of my bringing the parties to any composition of the dispute over the State of Jammu and Kashmir. In this view I found that both Prime Ministers concurred. But at the end of some discussion with the Prime Minister of India of the consequences which followed, I put forward, as a last possibility of saving the situation, a suggestion that I myself should prepare a plan complete except for details.

The plan would be one for holding a partial plebiscite in a limited area including or consisting of the Valley of Kashmir, and for partitioning the remainder of the State. I would then call a conference and lay the plan before them for acceptance or rejection, or if independently of me the parties wished to modify it by agreement, for modification accordingly.

I told the Prime Minister of India that I thought that Pakistan might take the view that it could have no cause for fear that, by complying with my invitation to take part in such a proceeding, it would be considered as departing from its stand on the over-all plebiscite and as waiving its primary claim. The course I suggested, I added, also removed the

objection of want of definiteness in the terms of the partition and partial plebiscite which would be tabled for consideration at the conference.

After a little discussion of the chances of such a course proving successful and of the disadvantages which it would have if it proved unsuccessful, the Prime Minister of India took time to consider the matter. Later in the day he informed me that it had been decided to fall in with the suggestion, provided that Pakistan told me that the fact that my plan was based on partial plebiscite and partition would not in itself necessarily prove fatal to its consideration by Pakistan. For India would not agree to a meeting which could not but prove futile.

I returned to Karachi and placed before the Government of Pakistan the proposal that, as a last resort, I should prepare a plan of the kind stated and lay it before a meeting which I would convene and I told them of the condition imposed by India. At first the Government of Pakistan was unwilling to agree in the course proposed. But after much discussion of the matter I gave to the Prime Minister of Pakistan a statement that I completely understood his Government's position in standing on the over-all plebiscite and I gave him an assurance that neither I nor any other authority of the United Nations would regard him or his Government as in the least degree derogation from or prejudicing that position if he complied with the request I made to him to examine and take into consideration the plan which I was ready to prepare and submit, although it was of an alternative character. My statement included an expression of the view that if Pakistan refused on the ground stated to join in the consideration of the intended plan it would be wanting in the fulfilment of the duty which rests upon both countries to give willing consideration to any plan put forward as containing a possibility of reconciling the conflict between the two countries and thus

avoiding the dangers to which the continuance of the conflict exposes both of them.

On the faith of the assurances my statement contained, the Government of Pakistan agreed to comply with my request to attend a conference to consider my intended plan, notwithstanding that it was based on an alternative to an over-all plebiscite. But Pakistan in its turn imposed a condition. The condition arose out of its insistence upon the view that India would not agree upon specific practical measures which would insure the freedom and fairness of the plebiscite.

In fact I had decided that I would use for the limited plebiscite area one of the measures which I had proposed for the whole State on the footing that the cease-fire line might thus be terminated. I intended to provide that an administrative body consisting of United Nations officers should be set up in the limited plebiscite area. The Plebiscite Administrator would be at the head of the body. The body would carry on the functions of government in the area until the poll was declared. It would not be the body's function to form new policies but to carry on the administration of government in the area. I intended that the administrative body of United Nations officers should have power, if they thought fit to do so, to exclude troops of every description. If on the other hand they decided that for any purpose troops were necessary they could request the parties to provide them. Insofar as they allowed the views of the two sides to be laid before the people of the limited area, they would have power to secure equality to India and Pakistan in any such right as well as in other respects.

I informed the Pakistan Government that I intended to include a provision of this nature. It expressed doubt as to India's agreeing to it and said that it was not prepared to attend a conference which must break down at the threshold if India refused to accept it. I then offered to consult India in advance upon the matter provided that, subject to India's answer,

Pakistan agreed to the course I proposed, namely that it would come to a conference to consider a plan to be prepared by me and would do so on the footing that the presence in the intended plan of a provision for a limited plebiscite would not prove an insuperable objection.

To this Pakistan agreed.

I then informed the Prime Minister of India by telegram of the assurances I had given Pakistan and of the kind of provision that my plan would contain for the purpose of securing the fairness of the plebiscite and its freedom from any suspicion of intimidation. I asked him to inform me if he was of the opinion that the inclusion in my plan of such a provision in order to secure the freedom and fairness of the plebiscite made it impossible for him to accept the plan as a whole. Otherwise I requested him to name a date for the meeting.

The Prime Minister of India answered by telegram expressing an emphatic refusal to agree to any such provision. The telegram said at the end that if I came to New Delhi the Prime Minister would be glad to explain India's position fully to me to avoid any possibility of any misunderstanding.

Accordingly I went to New Delhi.

I shall enumerate the objections briefly as I collected them from the telegram and from my discussion with the Prime Minister at Delhi.

- (a) Pakistan is an aggressor and it would be to surrender to aggression to allow it to take any part in the plebiscite. For the same reason and because of the danger involved, Pakistan's troops could never be allowed to enter the plebiscite area and therefore it was impossible to countenance the proposal to enable the administrative body to request the parties to provide troops if it thinks them necessary.
- (b) The provision would mean that the Government of the State would be superseded and went far beyond what is necessary for the purpose in view.

- (c) Only those people belonging to the State of Jammu and Kashmir should be allowed any part in the "campaign" over the plebiscite. There can be no equality of any right between India and Pakistan in this or other relevant respects.
- (d) The security of the State would be endangered.

These arguments appeared to me to overlook the real nature of a proposal for partition and a partial plebiscite or else to make it completely impossible. The question whether Pakistan had or had not been an aggressor had, to my mind, nothing to do with the results of a partition and the fairness and freedom of a partial plebiscite. To agree that Pakistan should take under a partition part of the State must be to agree that, independently of any such question, it took not merely an interest in but sovereignty of the territory. Again, as I saw the matter, to agree that the territory not immediately divided between India and Pakistan should pass to one or the other according to the vote of the inhabitants at a plebiscite conducted by the United Nations must be to agree to a text involving an equal interest in both countries in the result. Further it is to agree to the ascertainment of the will of the people by an independent authority because that authority will see that the plebiscite is freely and fairly conducted.

I had formed the opinion that it was not easy to exclude the danger that the inhabitants of the Valley of Kashmir would vote under fear or apprehension of consequences and other improper influences. They are not high spirited people of an independent or resolute temper. For the most part they are illiterate. There were large numbers of regular soldiers of the Indian Army as well as of the State Militia and police, and more often than not they were under arms. The State Government was exercising wide powers of arbitrary arrest. These are not matters that the Kashmiris inhabiting the Valley could be expected to disregard in choosing between voting as the

Government of Kashmir asked them and voting for accession to Pakistan.

It appeared to me that the danger to the freedom and fairness of the plebiscite could not be removed unless, in the administrative hierarchy of the State so far as it controlled the plebiscite area, United Nations officers were interposed temporarily. The authority of the Ministry over the rest of the State would not be affected. The ordinary working of the machinery of government in the plebiscite area would go on without change, but for the limited area, the United Nations administrators would for the time being be responsible for the working of the machinery in order to see that it was not used to influence the voters, as otherwise it well might be in countless ways.

The presence of numbers of troops, armed militia and police in the Valley did not appear to me to be favourable to a free expression of the people's will, and I considered that the administrative body might be safely given powers to decide what was necessary to insure the maintenance of order and to protect the area from external danger if it found that any existed. I did not suppose that it would invoke Pakistan troops without good cause, but I saw no reason why both countries should not be under an obligation to provide troops if requested. I saw no reason to change the opinion I had formed or to depart from the provision I had intended to include. I could not expose a plebiscite conducted under the authority of the United Nations to the dangers which I believed certainly to exist. Indeed I came to conclusion that it would be impossible to give effect to the doctrines formulated by India in objection to my plan and at the same time frame a plan for partition and a limited plebiscite which I could ask Pakistan to accept.

The Prime Minister of India concurred in the view that no hope existed of an agreement for a plebiscite by which the fate of the Valley could be decided. No other acceptable expedient for disposing of the Valley could be suggested.

The Prime Minister of India agreed therefore that there was nothing further that I could now do in the sub-continent.

I returned to Karachi, where the Prime Minister of Pakistan took the same view.

I left Karachi on 23 August 1950.

It will be seen that two main lines have been pursued in the attempts which have been made to settle the dispute between the two countries about the State of Jammu and Kashmir. The attempt to find a solution by taking a plebiscite over the whole State and so decide by a majority to which country the entire State shall go has its origin in the first proceedings before the Security Council. It should be recalled that by the resolution of 21 April 1948 the desire of both India and Pakistan that the question of the accession of the State to one or other of them should be decided by a free and impartial plebiscite was noted with satisfaction. In the agreed resolution of the United Nations Commission for India and Pakistan of 5 January 1949 there is a recital of the acceptance by the Governments of both countries of the principle that the question of the accession of the State of India or Pakistan would be decided through the democratic method of a free and impartial plebiscite.

From the date of this resolution until the present there have been continual efforts to bring about conditions in which the preparations for taking a poll might go forward. No one has supposed that they could even begin while much of the respective territories on either side of the cease-fire line was occupied by opposed armies and their base units. There are in addition many other obstacles to the holding of a free and fair plebiscite which must be removed before the State would be ready for the organization and machinery which the taking of a poll would make necessary. Unfortunately all this has been made to depend upon the agreement of the parties. It is enough to refer to paragraphs 2, 6 (a) and 10 of the resolution of 5 January 1949 and to the provisions of the resolution of 13 August 1948 upon which these paragraphs hang.

There is, I believe, on the side of India a conception of what ought to be done to ascertain the real will of the people which is not that tacitly assumed by me. Doubtless it is a conception which Pakistan does not share. The resolution of 5 January 1949 contains some rather general provisions in relation to the holding of the plebiscite and the antecedent steps, and about those more general provisions the parties were able to agree. But to apply propositions of this kind a programme of practical acts and physical events must be agreed upon. Without this it is impossible for the Plebiscite Administrator to begin the extensive and difficult work of organizing the taking of a poll. It is the practical measures which have proved the obstacle, not the more general propositions.

Pakistan has complained of India's failure to agree on the practical measures which must precede the preparations for the actual taking of a poll, and has maintained that this failure is the result of a deliberate policy. But the fact remains that under the resolutions the agreement of India to the course to be purposed in these matters is a condition precedent to carrying out a plebiscite of the State, and there is no such agreement. Moreover, the United Nations Commission failed in its efforts to secure an agreement upon them : I failed in mine : neither party put forward any other proposals and both appeared to concur in the view that the possibility of agreement has been exhausted.

The contention of Pakistan that it was incumbent on India to agree did not advance the matter practically. It was in these circumstances that I decided to turn away from a plebiscite of the whole State, an "over-all" plebiscite, as a method of solving the problem of Kashmir. Partition of the whole State between the two countries is of course an obvious alternative. But unfortunately the Valley of Kashmir cannot itself be partitioned and it is an area claimed by each side. Pakistan claims is not only because it is predominantly Muslim but also because the Jhelum river flows from it and Pakistan will not readily give

its claim. India is just as insistent upon its claim and has the advantage of possession. Some method of locating the Kashmir Valley to one party or the other therefore essential to any plan of partition.

I am inclined to the view that no method of locating the Valley to one or other of the contending parties is available except a poll of the inhabitants. By the inhabitants I mean those of them who fulfil whatever may be fixed as the test of eligibility to vote. The difficulty of using the expedient of a plebiscite appears to lie entirely in the conflict between, on the one hand, the necessity of insuring that the plebiscite is held in conditions which make it an effective means of ascertaining the real will of the people independently formed and freely expressed, and, on the other hand, certain conceptions or preconceptions of the Indian Government. These are based in part on what India conceives to be the origin and course of the fighting in 1947 and 1948 and in part on its unwillingness to have any interference with or restriction of the powers of government in the State whether in reference to the use of armed forces or in reference to the civil administration. In addition, it may be, as I have suggested, that a different conception exists of the process of ascertaining the will of the people. Although I myself found no reconciliation of this conflict possible, it may be that with India's help some resolution of the conflict may be discovered. India may come to realize that the necessity of practical measures which will really secure the freedom and fairness of a plebiscite must be paramount over these conceptions. At all events I have formed the opinion that if there is any chance of setting the dispute over Kashmir by agreement India and Pakistan it now lies in partition and in some means of allocating by Valley rather than in an over-all plebiscite. The reasons for this may be shortly stated.

The State of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of territories brought under the political power

of one Maharajah. That is the unity it possesses. If as a result of an over-all plebiscite the State as an entirety passed to India, there would be large movements of Muslims and another refugee problem would arise for Pakistan, which would be expected to receive them in very great numbers. If the result favoured Pakistan, a refugee problem, although not of such dimensions, would arise for India, because of the movement of Hindus and Sikhs. Almost all this would be avoided by partition. Great areas of the State are unequivocally Muslim. Other areas are predominantly Hindu. There is a further area which is Buddhist. No one doubts the sentiment of the great majority of the inhabitants of these areas. The interest of the people, the justice as well as permanence of the settlement, and the imperative necessity of avoiding another refugee problem all point to the wisdom of adopting partition as the principle of settlement and of abandoning that of an over-all plebiscite. But in addition the economic and geographic considerations point in the same direction. The difficulty in partitioning the State is to form a sound judgment where the line should be drawn.

While what I have said deals broadly with the State as a whole, it is by no means easy to fix the limits on each side. That is because it is necessary that the territory allocated to each side should be continuous in itself and should be contiguous with that country, because there are pockets of people whose faith and affiliations are different from those of people by whom they are cut off, because the changes in the distribution of population as the result of the troubles cannot be completely ignored, and because geographical features remain important in fixing what may prove an international frontier.

I shall not deal with more particularity, and I say so much only in case the Security Council should be of opinion that it should take further steps to effect a settlement between the parties. But for myself I doubt whether it may not be better to leave the parties to themselves in negotiating terms for the

settlement of the problem how to dispose of Jammu and Kashmir between them. So far the attitude of the parties has been to throw the whole responsibility upon the Security Council or its representatives of settling the dispute, notwithstanding that, except by agreement between them, there was no means of settling it.

When actual fighting was going on between them it was natural, if not necessary, that the Security Council and the Commission as its delegate should intervene between them and propose terms to stop the hostilities. But when this was done to the extent of stopping open hostilities and the question came to be how to settle the rival claims to Kashmir, the initiative was still left with the Security Council and the Commission. The whole question has now been thoroughly discussed by the parties with the Security Council, the Commission and myself, and the possible methods of settlement have been exhaustively investigated. It is perhaps best that the initiative should now pass back to the parties. At all events I am not myself prepared to recommend any further course of action on the part of the Security Council for the purpose of assisting the parties to settle between them how the State of Jammu and Kashmir is to be disposed of.

The continued maintenance of two armies facing one another across a cease-fire line is another matter. A danger to peace must exist while this state of things continues. Except for mutual distrust and fear, one of another there is no reason why the two countries should go on maintaining armies separated only by the cease-fire line. It is a boundary which might be kept by check posts and the like in the same way as any frontier between countries at peace. It is hard to believe that the Indian and Pakistan Chiefs of Staff would have any difficulty in arranging for a concurrent reduction of forces or in effecting the necessary change in the manner in which the cease-fire-line is held, they were instructed by their respective Governments to meet for the purpose.

Before leaving the sub-continent I addressed to the Prime Ministers severally a request^a that this should be done. It is a matter in which the Security Council is directly concerned because it involves a proximate danger to peace.

I recommend that the Security Council should press the parties to reduce the military strength holding the cease-fire line to the normal protection of a peace-time frontier.

In the meantime it is my recommendation that the party of United Military Observers be retained on the cease-fire line. They cannot continue there indefinitely, but after a time the question of their withdrawal might be settled in consultation with the two Governments.

(Signed) Owen Dixon
United Nations Representative
for India and Pakistan

(c) *Letter dated 14 December 1950 addressed to the President of the Security Council from the Minister for Foreign Affairs and Commonwealth Relations of Pakistan, concerning the India-Pakistan question.*

I have the honour to invite your attention to the letter dated 15 September 1950, from the United Nations Representative for India and Pakistan to the President of the Security Council [S/1791, S/1791/Add.1], reporting on the failure of the mission entrusted to him by the security Council resolution of 14 March, 1950 [S/1469], to secure the demilitarization of the State of Jammu and Kashmir preparatory to the holding of a plebiscite. Sir Owen Dixon's report has been with the Security Council for nearly three months, and the people of Pakistan and of Kashmir are greatly concerned over the serious delay in dealing with this urgent and important matter.

Almost three years have passed since the Security Council became seized of the Kashmir dispute and came to the conclusion that its solution lay in a free and impartial plebiscite to decide the question of the accession of the State of Jammu and Kashmir to India or to Pakistan. The holding of the plebiscite,

however, is no nearer today than it was three years ago. In the meantime, the Government of India and the Maharaja's Government in Kashmir are taking steps to prejudice the holding of the plebiscite. A resolution was adopted by the All-Jammu and Kashmir National Conference on 27 October, 1950, proposing the convening of a Constituent Assembly to determine "the future shape and affiliations of the State" of Jammu and Kashmir. According to a Press Trust of India report, the Prime Minister of India welcomed this move and declared that the proposed Constituent Assembly would ratify the formal accession of the State of India". Later Press reports indicate that a formal proclamation to hold elections to the proposed Constituent Assembly is about to be promulgated by the Maharaja's Government.

This move by the Government of India and the Maharaja's Government seeks to nullify the International Agreement between India and Pakistan embodied in the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, and endorsed by the Security Council, and is a challenge to the authority of the Security Council.

I should like to request that the Security Council give urgent consideration to the Kashmir question and take measures to implement, as soon as possible, the international agreement referred to above. The Security Council is also requested to call upon India to refrain from proceeding with the proposal for a Constituent Assembly and from taking any other action which might prejudice the holding of a free and impartial plebiscite to determine whether the State of Jammu and Kashmir should accede to India or to Pakistan.

(Signed) Mohammed Zafrulla Khan
*Minister of Foreign Affairs
 and Commonwealth Relations
 of Pakistan*

(Source : Un Document No. S/1942)

(d) United Kingdom of Great Britain and Northern Ireland and United States of America : revised joint draft resolution concerning the India-Pakistan question submitted the 537th meeting of the Security Council on 21 March 1951.

The Security Council,

Having received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan [S/1791, S/1711/Add.1], on his mission initiated by the Security Council resolution of 14 March 1950 [S/1461].

Observing that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, and have reaffirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Observing that on 27 October 1950 the General Council of the "All Jammu and Kashmir National Conference" adopted a resolution recommending the convening of a constituent assembly for the purpose of determining the "future shape and affiliations of the State of Jammu and Kashmir" ; observing further from statements of responsible authorities that action is proposed to convene such a constituent assembly and that the area from which such a constituent assembly would be elected is only a part of the whole territory of Jammu and Kashmir.

Reminding the Governments and authorities concerned of the principle embodied in the Security Council resolutions of 21 April 1948 [S/726], 3 June 1948 [S/819] and 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Affirming that the convening of a constituent assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference", and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle.

Declaring its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital importance to the maintenance of international peace and security.

Observing from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were :

- (a) The procedure for and the extent of demilitarization of the State preparatory to the holding of a plebsicite, and
- (b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite.

Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission.

Decides to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon.

Instructs the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949.

Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir.

Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent ; if, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions, of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out.

Calls upon the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above, such arbitration to be carried out by an arbitrator, or a panel of arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties.

Decides that the military observer group shall continue to supervise the cease fire in the State.

Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement.

Requests the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution.

(Source : UN Document S/2017/Rev. 1).

Frank P. Graham Reports 1951-1953

(a) Introduction

Five reports have been submitted to the Security Council by the United Nations Representative, Mr. Graham [15 October 1951—S/2375 and Corr. 1 and 2; 18 December 1951—S/2448; 22 April 1952—S/2611 and Corr. 1; 16 September 1952—S/2783 and Corr. 1; and 27 March 1953—S/2966]. In his first report, the United Nations Representative set forth a twelve-point draft agreement between the Governments of India and Pakistan concerning demilitarization of the State of Jammu and Kashmir. The United Nations Representative indicated that agreement had been reached on the first four points in the proposals and set forth the position of the two parties on the remainder of the points. The Security Council began consideration of the first report at its 564th meeting [18 October 1951] and continued at the 566th meeting [10 November] when a resolution [S/2392] submitted by the United Kingdom and the United States requesting the United Nations Representative to continue his efforts was adopted.

In his second report [S/2448], the United Nations Representative informed the Council that agreement had been reached on four more of the points of the draft agreement, but that the basic differences between the two Governments remai-

ned essentially the same. After consideration of the report by the Security Council at its 570th to 572nd meetings [17, 30 and 31 January 1952], the President of the Council stated that the consensus of the Council was that the United Nations Representative was empowered to continue his efforts to accomplish his mission.

In his third and fourth reports [S/2611 and S/2783], the United Nations Representative informed the Security Council of acceptance by the two Governments of other points in the twelve-point draft agreement which he had submitted to them. Agreement had not been reached, however, on the number and character of forces to remain on either side of the cease-fire line nor on the date by which the Plebiscite Administrator would be appointed to office. He had accordingly proposed definite minimum figures for those forces, but it had not been possible to secure agreement on the numbers proposed. The United Nations Representative set forth the views of the parties on an alternative draft presentation of principles which would serve as the criteria for fixing the quantum of forces to remain on either side of the cease fire line at the end of the demilitarization period.

After discussion at the 605th-611th meetings [10 October, 6 November, 5, 8, 16 and 23 December 1952], the Security Council adopted a resolution [S/2883] which urged the Governments of India and Pakistan to negotiate in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, the numbers to be arrived at bearing in mind the principles or criteria submitted to the parties by the United Nations Representative. The number of forces was to be between 3,000 and 6,000 on the Pakistan side and between 12,000 and 18,000 on the Indian side of the cease-fire line. The United Nations Representative was requested to continue to make his services available to the parties and to keep the Council informed of any progress.

In his fifth report [S/2967], the United Nations Representative informed the Security Council of further meetings and conversations with the two Governments. None of the proposals put forward had proved acceptable to both parties. The Council has not considered the fifth report.

(A) FIRST GRAHAM REPORT TO THE SECURITY COUNCIL [*Original Text*, 15 OCTOBER 1951]

(a) Introduction

This report is to inform the Security Council of the way in which the United Nations Representative for India and Pakistan has carried out the instructions given to him by the Security Council in its resolution of 30 March 1951. Before entering into the substance of the report, he wishes to express his appreciation to the Governments of India and Pakistan for their hospitality, courtesies and co-operation, as well as to the Secretariat of the United Nations for its collaboration.

On 30 March 1951 the Security Council [539th meeting] adopted a resolution on the joint proposal of the United Kingdom and the United States of America which provided for the appointment of a United Nations Representative for India and Pakistan [annex 1].

The mandate of the Security Council to the United Nations Representative is set forth in paragraphs 3 and 5 of the resolution of 30 March 1951, as follows :

"The Security Council.....

"3. Instructs the United Nations Representative to proceed to the sub-continent and after consultation with the Governments of India and, Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949....

"5. *Instructs* the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out."

The position of the two Governments with regard to the resolution of 30 March 1951 had been stated before the Security Council by their representatives.

On 29 March 1951, at the 538th meeting of the Council, the representative of India stated :

"21.....My Government has no objection to a new United Nations representative visiting India and Pakistan, if the Security Council so desires, to make a fresh attempt to assist, by suggestion, advice and mediation, in determining how proposals regarding demilitarization under the resolution of 13 August 1948 and 5 January 1949 should be implemented with due regard to the assurances given to my Government in connexion therewith. This of course, is subject to my Government's views regarding arbitration which I have already explained."

On 2 April 1951, at the 540th meeting of the Council, the representative of Pakistan stated :

"16.....I have been instructed by my Government to submit to the Council its acceptance of the resolution. The Government of Pakistan has accepted the resolution and is determined to afford the fullest co-operation to the United Nations representative who may be appointed by the Security Council, and later, in case of differences arising which cannot be resolved by agreement between the parties, to the arbitrator

or arbitrators that may be appointed under paragraph 6 of the resolution.

The present United Nations Representative was appointed by the Security Council on 30 April 1951 [543rd meeting]. He was released by the United State Department of Labor as Defense Manpower Administrator on 17 June 1951. He left New York for India and Pakistan on 27 June 1951, arriving on the sub-continent on 30 June 1951.

In accordance with paragraph 9 of the resolution of 30 March 1951, the following staff was provided to the United Nations Representative by the Secretary General, and administrative and secretarial assistance was provided as required by the United Nations staff assigned to the Military Observer Group :

Mr. Petrus J. Schmidt, Principal Secretary.

General Jacob J. Devers, Military Adviser.

Mr. Miguel A. Marin, Political and Legal Adviser.

Mr. David Blickenstaff, Political Officer.

Mr. Philippe d'Esterno, Political Officer, (Acting Information Officer).

Mr. Edward Lawson, Social Affairs Officer.

Mr. William B. Aycock, Personal Assistant to the United Nations Representative.

Colonel Joy Dow, Commissioned Aide to General Devers.

Miss Audrey Owen, Administrative Assistant.

Miss Mary Robertson, Secretary.

Miss Louise A. Crawford, Secretary *pro tempore*.

Sergeant Richard Hainey, Enlisted Aide to General Devers.

Mr. Robert N. Kenney, appointed Information Officer, returned to Headquarters on 12 July 1951 because of illness.

On 12 September 1951 the United Nations Representative left the sub-continent for Geneva for the purpose of preparing his report to the Security Council.

(b) Terms of reference of the United Nations Representative

The debate in the Security Council leading up to the adoption of the resolution of 30 March 1951 indicates that it was the intention of the Council that the United Nations Representative should deal only with the question of the demilitarization of the State of Jammu and Kashmir. According to the terms of the resolution he was :

- (a) To consult with the Governments of India and Pakistan.
- (b) To effect the demilitarization of the State of Jammu and Kashmir, or to obtain the agreement of the parties to a plan for effecting such demilitarization.
- (c) To submit his report to the Security Council within three months from the date of his arrival on the sub-continent.
- (d) To report to the Council, in case he has not achieved either of the objectives set forth in sub-paragraph (b) above, "those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out."

The United Nations Representative was therefor, not concerned with the existing arrangements for the supervision of the cease-fire, the responsibility for which the Council had in paragraph 7 of its resolution of 30 March 1951, placed upon the Military Observer Group.

His responsibility was limited to obtaining agreement on the steps by which demilitarization might be effected and to assisting the parties in the implementation of the agreement, or to reporting to the Council the points of difference between the two parties in accordance with paragraph 5 of the 30 March 1951 resolution.

With regard to this responsibility, the Security Council had laid down in its resolution that the demilitarization of the State of Jammu and Kashmir to be effected by the United Nations Representative, or the plan of demilitarization to be agreed by the parties, was to be based on the resolutions of 13 August 1948 and 5 January 1949 of the United Nations Commission for India and Pakistan (UNCIP). The parts of the texts of these two resolutions which relate to demilitarization follow :

UNCIP RESOLUTION OF 13 AUGUST 1948

Part II

Truce agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A

As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from the State.

The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.

Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

B

When the Commission shall have notified the Government of India that the tribesmen and Pakistan nations referred to in part II, A (3) hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease fire those forces of its army which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C

Upon signature, the full text of the truce agreement or a *communiqué* containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

UNCIP RESOLUTION OF 5 JANUARY 1949

- (a) After implementation of parts I and II of the Commission's resolution of 13 August 1948, and when the

Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the securing of the State and the freedom of the plebiscite :

- (b) As regards the territory referred to in A (3) of part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

(c) Political situation and method of approach

A. POLITICAL SITUATION PREVAILING ON THE SUB-CONTINENT

The situation encountered by the United Nations Representative on the sub-continent was a complex one and, though containing certain encouraging elements, was largely detrimental to the successful fulfilment of his mission.

In the State of Jammu and Kashmir itself the United Nations organization for the supervision, by means of the Military Observer Group, of the ceasefire line, was working effectively and, despite incidents, was continuing its successful assistance to the two Governments in their will to fulfil their commitments under the cease-fire arrangements.

During the two and a half years that had elapsed since the coming into effect of the cease-fire, some decrease in forces on both sides of the cease-fire line had taken place and, to some extent, certain provisions of part II of the UNCIP resolution of 13 August 1948 had, for practical purposes, been implemented.

The United Nations Representative found on the sub-continent a general desire that the Kashmir problem be settled

as soon as possible. It was generally recognized that delay in the solution of the problem exercised a detrimental effect upon Indo-Pakistan relations as a whole, and that agreement on this problem would greatly facilitate the efforts of the two Governments to resolve other outstanding issues not directly related to the Kashmir question.

The eleven-week period spent by the mission on the sub-continent was, however, largely characterized by the existence of great tension between the two Governments.

On 30 June 1951 the permanent representative of India addressed a communication to the President of the Security Council [S/2225] transmitting a communication from the Prime Minister and Minister for Foreign Affairs of India alleging a series of violations by Pakistan of the cease-fire line which had occurred during the preceding fortnight. The communication referred to "the fanatical warmongering propaganda that is daily growing in Pakistan" and to the suspicion that these events were "part of a planned programme calculated to lead, if unchecked, to the outbreak of hostilities between the two countries".

On 15 July 1951 the permanent representative of Pakistan addressed a communication to the President of the Security Council and to the Secretary-General [S/2245/S/2245/Corr. 1] bringing to the notice of the Security Council "that heavy concentrations of Indian armed forces are taking place in East Punjab and in Jammu and Kashmir" and stating that this constitutes a grave threat to the security of Pakistan and to international peace". The communication quoted the text of a telegram of the same date addressed to the Prime Minister of India from the Prime Minister of Pakistan, in which the latter stated that "the main reason for the existing state of tension between India and Pakistan is the persistent refusal by the Government of India to settle the dispute between the two countries by peaceful means".

During the period 15 July to 11 August 1951 there ensued an exchange of ten telegrams between the Prime Minister of India and the Prime Minister of Pakistan, an exchange which was fully reported in the Press of the two countries. The issues raised in this correspondence were the centre of public debate and comment and to a large extent dominated the political scene on the sub-continent throughout the mission's stay in the area.

The question of convening a Constituent Assembly in the State of Jammu and Kashmir was a further disturbing element in the relations between the two countries. On 14 December 1950 the Minister for Foreign Affairs and Commonwealth Relations of Pakistan addressed a letter to the President of the Security Council [S/1942] in which, *inter alia*, the Security Council was requested "to call upon India to refrain from proceeding with the proposal for a Constituent Assembly".

The Security Council, in its resolution of 30 March 1951, affirmed "that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference', and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principles".

On 29 March 1951, at the 538th meeting of the Security Council, the representative of India made the following statement :

"5.....Some members of the Council appear to fear that in the process the Kashmir Constituent Assembly might express its opinion on the question of accession. The Constituent Assembly cannot be physically prevented from expressing its opinion on this question if it so chooses. But this opinion will not bind my Government or prejudice the position of this Council..."

The above factors, together with other specific questions, such as those relating to minorities, refugees, evacuee property, waterways and other issues, not only made the problem of Jammu and Kashmir itself more complex and difficult of solution, but contributed in turn to the increasing tension between the two Governments, and thus inevitably had the effect of prejudicing the success of the efforts of conciliation and mediation by the United Nations Representative.

B. METHOD OF APPROACH ADOPTED UNDER THE CIRCUMSTANCES

It was clear to the United Nations Representative that the existence of an atmosphere of hostility on the sub-continent created serious obstacles to any proposal for a meeting, during the initial stages of his work, between the two Prime Ministers or between the two Commanders-in-Chief or other representatives of the two Governments for the consideration of either general political questions or detailed military plans relating to the demilitarization of the State of Jammu and Kashmir.

Therefore the procedure adopted by the United Nations Representative was that of separate, informal consultations with officials of both Governments. His purpose was to obtain at first hand an understanding of the current position of the two parties regarding the question of demilitarization, with a view to ascertaining those areas of agreement upon which might be based an accepted plan for the demilitarization of the State of Jammu and Kashmir, in accordance with the relevant provisions of the Council's resolution of 30 March 1951.

Early in these informal consultations the United Nations Representative gave careful consideration to the possibility of himself drawing up a plan of demilitarization to be submitted to the two Governments.

Alternatively, he could adopt a more patient approach in his negotiations in both capitals and endeavour to find a formula which, by smoothing away difficulties, might bring

about a possibility of obtaining agreement in broad terms and thus prepare the way for a subsequent meeting for the preparation of a programme of demilitarization. The United Nations Representative decided to follow this latter procedure.

As a result of his conversations with the parties, which continued until the final stages of the mission's stay on the sub-continent, a formal letter, dated 7 September 1951 (annex 2), was despatched by the United Nations Representative to the Prime Ministers of both Governments, containing the text of a draft agreement and inviting their comments on each separate paragraph and their suggestions, as well as their detailed plans for carrying out the demilitarization of the State of Jammu and Kashmir under the UNCIP resolutions of 13 August 1948 and 5 January 1949.

The Prime Ministers of India and Pakistan replied to the letter of 7 September on 11 and 12 September, respectively (annexes 3 and 4).

The replies of the two Prime Ministers indicated to the United Nations Representative that on certain essential parts of his proposals, agreement could not be reached under the circumstances then prevailing on the sub-continent.

(d) Analysis of the main problems

A. BACKGROUND OF THE QUESTION

The question of the State of Jammu and Kashmir has been before the Security Council since January 1948. The Council is already familiar with its origin and development and with the positions of the Governments of India and Pakistan, which were fully set forth during meetings of the Security Council, in the three reports of the United Nations Commission for India and Pakistan, in the report of General A.G.L. McNaughton and in the report of Sir Owen Dixon.

It may be of assistance to the Council, nevertheless, to outline in this report the substance of the differing conceptions.

of India and Pakistan of their status regarding the State of Jammu and Kashmir, inasmuch as they are the origins of the differing interpretations of the two Governments with regard to their commitments.

These conceptions have been stated repeatedly by both Governments during the discussions of the question in the Security Council and during the negotiations with UNCIP and with Sir Owen Dixon.

In its third interim report [S/1430/Rev. 1] UNCIP summarized the positions of India and Pakistan in the following way :

"200. The Indian position

- “(a) India considers itself to be in legal possession of the State of Jammu and Kashmir by virtue of the instrument of accession of October 1947, signed by the Maharaja of the State and accepted by the then Governor-General of India. From this basis premise, that is, the legality of its presence in the State and its control over it, there flow logically certain corollary attitudes. The assistance which Pakistan rendered to tribesmen who made incursions into the State constituted therefore a hostile act ; the entry of elements of the Pakistan regular army into the State was an invasion of Indian territory. India has its armies in Kashmir as a matter of right, and controls the defence, communications, and external affairs of State as a consequence of the act of accession while Pakistan has no *locus standi* (in Kashmir).
- “(b) From the fact of accession flows India's claim to be responsible for the security of the State ; hence the problem of demilitarization must take into account the importance of leaving in the State sufficient Indian and State forces to safeguard the State's security. A plebiscite in the State would be for the

purpose of confirming the accession which is, in all respects, already complete.

- “(c) India’s claim regarding the northern areas of the State is also based on its fundamental argument. Its refusal to discuss with the Pakistan Government, or even to allow it to know the details of withdrawal of the bulk of the Indian forces, is not only in line with that part of the resolution which provides for the prior withdrawal of Pakistan troops, but follows on India’s insistence that Pakistan is illegally in Kashmir and has no rights in the matter. India’s position on the question of the *Azad* forces is not only bound up with India’s preoccupation regarding the security of the State, but involves the principle that forces which are in revolt against the government of the State must be disbanded and disarmed. The cardinal feature of India’s position is its contention that it is in Kashmir by right, and that Pakistan cannot aspire to equal footing with India in the contest. The Government of India, in its letter of 21 November to the Commission, reiterated its position and commented upon the arguments of Pakistan” [S/1430/Rev. 1, annex 43].

“201. *The Pakistan position*

- “(a) Pakistan bases its case on the contention that the accession of the State of Jammu and Kashmir to India is illegal, and denies that there is any basis whatsoever for India’s contention that the legality of this accession is ‘in fact and law beyond question’. This stand was first stated in the Pakistan complaint before the Security Council in January 1948, and has been reaffirmed to the Commission as recently as on 1 October 1949 in a letter from the Minister of Kashmir Affairs, Government of Pakistan [S/1430/

Rev. 1, annex 42]. Pakistan's main arguments for its case are the following :

"(1) The State of Jammu and Kashmir had executed a standstill agreement with Pakistan on 15 August 1947, which debarred the State from entering into any kind of negotiation or agreement with any other country.

"(2) The Maharaja of Jammu and Kashmir had no authority left to execute an instrument of accession on 26 October 1947, because his people had successfully revolted, had overthrown his Government, had compelled him to flee from the capital.

"(3) The act of accession was brought about by violence and fraud and as such it was invalid *ab initio*.

"(4) The Maharaja's offer of accession was accepted by the Governor-General of India on the condition that as soon as law and order had been restored, the question of the accession of the State would be decided "by a reference to the people". The Indian Constitution Act does not recognize a conditional accession. The action of the Maharaja and of the Government of India has, therefore, no validity in law'.

"(b) Pakistan states further that the *Azad* movement was indigenous and spontaneous, the consequence of repression and misrule by the Maharaja's Government. The tribal incursions were likewise spontaneous and were the result of the reports of atrocities and cruelties perpetrated on the Muslim peoples of Kashmir and the East Punjab. The entry of Pakistan forces into Kashmir was necessary in order to protect its own territory from invasion by Indian forces, to stem the movement of large numbers of refugees driven before the Indian Army into Pakistan, and to prevent the Government of India from presenting the world with a *fait accompli* by taking possession of the entire State by force. Pakistan, quoting clause 1 of the Commission's

resolution of 5 January 1949, to the effect that the purpose of the plebiscite was to determine whether Kashmir should accede to India or to Pakistan, rejects the Indian view that the State of Jammu and Kashmir is a part of India, a view which, Pakistan says, begs the very question which is in dispute. It is Pakistan's opinion that its action in lending assistance to the people of Kashmir is far less open to criticism than was India's intervention at the request of an autocratic ruler. Pakistan has, from the first presentation of its case before the Security Council, contested the whole of the Indian thesis. It considers itself as having equal status with the Government of India and being entitled, as a party to the dispute, to equal rights and considerations.

- “(c) The claim of Pakistan to equal status with India has had a direct influence on its position regarding the problems posed by the implementation of the truce : in Pakistan's view the truce should establish a balance of forces between the two parties, and Pakistan asks, therefore, to be apprised of the plans of the withdrawal of the bulk of the Indian forces before signing a truce agreement. It is Pakistan's opinion that any disbanding and disarming of the *Azad* Kashmir forces, which are local forces, should be balanced by a similar disposition of the State forces or at least by a further reduction of the remaining Indian forces after withdrawal of the bulk. As regards the northern area question, Pakistan, apart from other arguments based on factual considerations and on the letter of the 13 August resolution, denies the claim of India to the right to assume in those territories the defense of the State of Jammu and Kashmir as a result of the established relations between India and the State”.

As a corollary to the above-mentioned positions of the two Governments came their interpretations of the principles for the demilitarization of the State of Jammu and Kashmir under the UNCIP resolutions of 13 August 1948 and 5 January 1949. These differing interpretations became the obstacles which in the past have prevented the implementation of the two UNCIP resolutions.

B. POSITIONS OF THE TWO GOVERNMENTS ON THE PRINCIPLES OF DEMILITARIZATION

The Principles of the demilitarization of the State of Jammu and Kashmir are set forth in part II (truce agreement) of the UNCIP resolution of 13 August 1948 and in subparagraph 4 (a) and (b) of the UNCIP resolution of 5 January 1949.

UNCIP resolution of 13 August 1948, part II (truce agreement)

The text of section A of part II of the resolution of 13 August 1951 is as follows :

"1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State".

- (a) Pakistan has been consistent in its contention that the withdrawal of its forces should be synchronized with the withdrawal of the bulk of the Indian forces on the other side of the cease-fire line ; that is, they should take place simultaneously and be arranged in such a manner as to obtain a balance between the remaining forces.
- (b) India has maintained that the Pakistan troops should withdraw unconditionally from the territory of the State of Jammu and Kashmir and that the timing

and staging of the Indian withdrawals and the strength of Indian forces to be retained in the State were matters for settlement between UNCIP (or the United Nations Representative) and the Government of India.

Section A continues :

"2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting."

Pakistan has reiterated that this condition has already been fulfilled.

Section A continues :

"3. Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission."

Section B provides :

"1. When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission."

(a) The Government of India has not been prepared to withdraw the bulk of its forces in the State of Jammu and Kashmir unless agreement be reached

for a large-scale disbanding and disarming of *Azad* Kashmir forces.

- (b) The Government of Pakistan, for its part, has contended that the withdrawal of its troops should be synchronized with the withdrawal of the Indian troops and that the disbanding and disarming of the *Azad* Kashmir forces was a matter to be dealt with when sub-paragraphs 4 (a) and (b) of the UNCIP resolution of 5 January 1949 were implemented.
- (c) The Government of India has maintained that the question of the withdrawal of the bulk of its forces from the State of Jammu and Kashmir was a question between the Government of India and UNCIP (or the United Nations Representative).
- (d) The Government of Pakistan has maintained that UNCIP (or the United Nations Representative), after hearing India and Pakistan, should determine the strength of the Indian forces to remain on the Indian side of the cease-fire line. For Pakistan the remainder of the Indian forces constituted the "bulk" and should be withdrawn during the truce stage.

Section B also provides :

"2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire those forces of its army which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary."

The Government of Pakistan has contended that the Indian claim to station garrisons in the northern areas (on the Pakistan side of the cease-fire line), when the territory had been evacuated by the Pakistan troops, was not tenable [*S/1430/Rev. 1, pp. 53 ff.*].

UNCIP resolution of 5 January 1949

The text of paragraph 4 of the resolution of 5 January 1949 is as follows :

- “(a) After implementation of parts I and II of the Commission’s resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.”
- (a) The Indian Government has maintained that the final disposal of Indian and State armed forces should be determined by UNCIP (or the United Nations Representative) and the Plebiscite Administrator, in consultation with the Government of India, such disposal to be with due regard to the security of State and the freedom of the plebiscite.
- (b) The Government of India considered that the expression “security of the State” was intended to connote the security of Jammu and Kashmir against incursion by tribesmen, Pakistan nationals, and regular Pakistan forces, whether acting separately or in concert.
- (c) The Pakistan Government considered that there should be a balance between the Indian forces and the State armed forces referred to in sub-paragraph 4 (a), on the one hand, and the *Azad* Kashmir forces referred to in sub-paragraph 4 (b), on the other.

Paragraph 4 continues :

- “(b) As regards the territory referred to in A (3) of part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined

by the Commission and the Plebiscite Administrator in consultation with the local authorities."

- (a) The Government of India has maintained that the withdrawal of the bulk of its forces referred to in section B, paragraph 1, part II; of the 13 August 1948 resolution was conditioned on a large-scale disbanding and disarming of *Azad* Kashmir forces.
- (b) The Government of Pakistan has contended that the disbanding and disarming of the *Azad* Kashmir forces was a matter to be dealt with when sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution were implemented.

C. PROPOSALS FOR A DRAFT AGREEMENT

The purpose of the remainder of this chapter is to explain the reasons which led the United Nations Representative to make the proposals set forth in the draft agreement for a plan of demilitarization to the Governments of India and Pakistan ; to comment on the replies of both Governments to those proposals ; and finally, to establish the points of difference between the parties in regard to the interpretation and execution of UNCIP's agreed resolutions of 13 August 1958 and 5 January 1949.

In view of the circumstances in which the negotiations were carried out, as explained in the last part of chapter II, the United Nations Representative presented to both Governments by letter of 7 September 1951 proposals for a possible agreement (annex 2).

In order to assist in the creation of an atmosphere conducive to the adoption of a plan of demilitarization, and to narrow the differences between the parties with regard to such a plan, the United Nations Representative presented the proposals contained in the draft agreement as specified below.

The official replies of the two Prime Ministers (annexes 3 and 4) expressed not only the desire of their respective Governments to settle peacefully their differences regarding the State

of Jammu and Kashmir, but also their willingness to take definite steps to relieve the cumulative tensions between the two peoples. Furthermore, with regard to the differences in the interpretations by the two Governments of their obligation for the implementation of demilitarization under part II of the 13 August 1948 resolution and sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution the two replies confirmed the hope of the United Nations Representative that the possibility of arriving at a basis for an agreement is not excluded.

Proposals 1 to 4 setting forth general principles of the draft agreement.

Paragraphs 1 to 4 of the proposed agreement deal with general principles. Their objectives were as follows :

- (a) *To meet a threat of recourse to war*, the United Nations Representative proposed that the Governments of India and Pakistan.

"1. Reaffirmed their determination not to resort to force and to adhere to peaceful procedures and specifically pledge themselves that they will not commit aggression or make war, the one against the other, with regard to the question of the State of Jammu and Kashmir."

- (b) *To meet the problem of detrimental propaganda*, the United Nations Representative proposed that the Governments of India and Pakistan.

"2. Agree that each Government, on its part, will instruct its official spokesman and will urge all its citizens, organizations, publications and radio stations not to make warlike statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir."

- (c) *To meet alleged violations of the cease-fire*, the United Nations Representative proposed that the Governments of India and Pakistan.

"3. Reaffirm their will to observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949."

- (d) *To meet the situation created by the convocation of a Constituent Assembly in the State of Jammu and Kashmir*, the United Nations Representative proposed that the Governments of India and Pakistan.

"4. Reaffirm their acceptance of the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations."

The replies of both Governments indicated that they were favourable to these first four clauses of propose agreement. Moreover, the Prime Minister of India, in paragraph 4 of his reply of 11 September 1951 (annex 3), said.

"4. As regards paragraph 4, the Government of India not only reaffirms its acceptance of the principle that the question of the continuing accession of the State of Jammu and Kashmir to India shall be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations, but is anxious that the conditions necessary for such a plebiscite should be created as quickly as possible. It is with this object, and this object alone in view, that it has examined your proposals."

Proposal 5 setting forth the general principle for the programme of demilitarization.

One of the main problems encountered by UNCIP and by Sir Owen Dixon was the question of the disbanding and disarming of the *Azad* Kashmir forces. This question arises in connexion with sub-paragraph 4 (b) of the UNCIP resolution of 5 January 1949.

The United Nations Representative was faced with the same problem from the very beginning of his negotiations, when the Government of India informed him that it could not regard the implementation of section B, paragraph 1, of part II of the UNCIP resolution of 13 August 1948, and of sub-paragraphs (a) and (b) of UNCIP's resolution of 5 January 1949 as inde-

pendent of each other. Both were linked up with what was, for the Government of India, a vital question—the security of Jammu and Kashmir against external aggression.

To meet this, the United Nations Representative considered with both Governments the possibility that demilitarization of the State of Jammu and Kashmir be effected in a single continuous process. In this connexion, attention is drawn to paragraph 250 of UNCIP's third interim report [*S/1430/Rev. I*] which states :

“250. The conclusion to be drawn from the experience of the Commission during the past year, and from the attitudes of the two Governments as regards the withdrawal problem, is clear : developments in the State during the past year necessitate a modification in the original plan of demilitarization. Such a modification must treat the problem of demilitarization as a whole, eliminating all distinction and comprising all questions concerning the final disposal of all armed forces in the State of Jammu and Kashmir.”

As to the practical details of a programme of demilitarization, the United Nations Representative considered that these could best be taken up in a meeting, held under the auspices of the United Nations between representatives of the two Governments assisted by their military advisers, once agreement had been reached on the broad principles. This agreement would, moreover, have the effect of decreasing the tension between the two countries and would assist in creating an atmosphere favourable to the success of such a meeting.

Paragraph 5 of the proposed agreement was drawn up as follows.

“The Governments of India and Pakistan.....

“5. Agree that subject to the provisions of paragraph 11 below, demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolution of 13 August 1948 and 5 January 1949 should be effected in a single, continuous process.”

Agreement that the demilitarization of the State of Jammu and Kashmir should be effected in a single, continuous process implied, in the opinion of the United Nations Representative, the implementation of Part II of the 13 August 1948 resolution, together with sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution, as a whole, and would lead to the following consequences :

- (a) On the Pakistan side of the cease-fire line, the tribesmen and Pakistan troops would be withdrawn as provided in section A, paragraphs 1 and 2 of part II of the UNCIP resolution of 13 August 1948, and the *Azad* Kashmir forces would be disbanded and disarmed as provided in sub-paragraph 4 (b) of the UNCIP resolution of 5 January 1949.
- (b) On the Indian side of the cease-fire line, the bulk of the Indian forces would be withdrawn as provided in section B, paragraph 1 of part II of the resolution of 13 August 1948 and further withdrawals or reductions, as the case might be, of the Indian and State armed forces would take place as provided in sub-paragraph 4 (a) of the resolution of 5 January 1949.
- (c) The Plebiscite Administrator should be appointed to office at some stage during the period of demilitarization, inasmuch as the resolution of 5 January 1949 conferred upon him certain functions with respect to the implementation of sub-paragraphs 4 (a) and (b) of that resolution.

The position of the two Governments on this proposal may be expressed as follows :

(a) *Position of India*

The Government of India agreed that demilitarization should be effected in a single continuous process in so far as it combines the demilitarization envisaged in sub-paragraph 4 (b) of the 5 January 1949 resolution with part II of the 13

August 1948 resolution, but not to the extent of including the substantial part of sub-paragraph 4 (a) of the 5 January 1949 resolution. India was therefore willing to withdraw the bulk of the Indian forces plus some of the remainder (after the bulk) so as to leave on the Indian side of the cease-fire line one line communication area head-quarters and one infantry division (normal) but of four brigades of four battalions each, provided such a plan called for complete demilitarization on the Pakistan side of the cease-fire line, except for a civil armed force of 4,000 persons normally resident in *Azad* Kashmir territory, half of whom should be followers of *Azad* Kashmir and the other half persons who are not followers of *Azad* Kashmir. This force, according to the Government of India, should be commanded by United Nations officers or "locals" and not by Pakistan officers.

(b) Position of Pakistan

The Government of Pakistan agreed that demilitarization should be effected in a single continuous process subject to the provisions of paragraph 11 of the proposals of the United Nations Representative for India and Pakistan. The demilitarization envisaged in sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution should be combined with the provisions of part II of the 13 August 1948 resolution. Pakistan was therefore willing to accept large scale disarming and disbanding of the *Azad* Kashmir forces in a plan for the implementation of part II of the 13 August 1948 resolution, provided such a plan calls for withdrawals of the balance of the Indian forces (after the bulk) and a reduction of the State armed forces and State Militia.

Proposals 6 to 12 setting forth the principles for a plan of demilitarization

The principles for a plan of demilitarization were set forth in paragraphs 6 to 12 of the proposed agreement, as follows :

"The Governments of India and Pakistan...

"6. Agree that this process of demilitarization shall be completed during a period of ninety days, unless another period is decided upon by representatives of the Indian and Pakistan Governments referred to in paragraph 9 below ;

"7. Agree that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be ;

"(a) On the Pakistan side of the cease-fire line :

"(i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn.

"(ii) The Pakistan troops will have been with drawn from the State : and

"(iii) Large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place.

"(b) On the Indian side of the cease-fire line :

"(i) The bulk of the Indian forces in the State will have been withdrawn.

"(ii) Further withdrawals or reductions, as the case may be, of the Indian and State armed forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out,

"so that at the end of the period to in paragraph 6 above there will remain on the present Pakistan side of the cease-fire line a force of.....civil armed forces, and on the Indian side of the cease-fire line a force of.....; [It was requested in the communication that the blank spaces be filled in by each Government].

"8. Agree that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agree-

ment either during or after the period referred to in paragraph 6 above :

"9. Agree that representatives of the Indian and Pakistan Governments, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above.

"10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above.

"11. Agree that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution.

"12. Agree that any differences regarding the programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continues, to the United Nations Representative, whose decision shall be final."

The positions of the two Governments with regard to paragraphs 6 to 12 of the proposed agreement can be summarized as follow :

(a) Position of India

- (i) The Government of India was willing to carry out the withdrawal of the bulk of the Indian forces in the State by the end of the period contemplated in paragraph 6 of the proposals, provided that the

operations described in sub-paragraphs 7 (a) (i), (ii) and (iii) of the proposals were progressively completed by the end of that period.

- (ii) The Government of India was of the opinion that sub-paragraph 7 (b) (ii) of the proposals should be omitted, and that the period during which the further withdrawals or reductions contemplated in this sub-paragraph were to be made and their phasing and quantum could not be determined realistically at that time.
- (iii) The Government of India gave assurances that it was its policy to reduce its forces in the State to the minimum necessary to safeguard its security; the greater the measure of security the State enjoyed from threats of incursions or aggression, the smaller would be this minimum.
- (iv) As regards the civil armed forces to be maintained on the Pakistan side of the cease-fire line at the end of the period agreed upon in the terms of paragraphs 6 and 9, the Government of India would agree to a force of 4,000, organized, equipped and composed as recommended to UNCIP in item C of the memorandum transmitted to UNCIP under cover of a letter dated 13 April 1949 by the Secretary-General in the Ministry of External Affairs of India; that is, the forces (of 4,000) should consist of persons normally resident in *Azad Kashmir* territory, half of whom should be followers of *Azad Kashmir* and the other half persons who are not followers of *Azad Kashmir*. This force should be commanded by United Nations officers or "locals" and not by Pakistan officers.
- (v) The Government of India, provided that the operations described in sub-paragraphs 7 (a) (i), (ii) and (iii) of the proposals have been completed by the end

of the period agreed upon, would retain on their side of the cease-fire line in Jammu and Kashmir one line of communication area headquarters and one infantry division (normal) but of four brigades of four battalions each. According to the Indian Government, much more than the "bulk" of Indian forces in the State would thus have been withdrawn and the forces left behind would be wholly inadequate in case of large-scale aggression.

- (vi) The Government of India presumed that effective measures would be taken by Pakistan to prevent such aggression.
- (vii) Regarding paragraphs 10 and 11 of the proposals, the Government of India stated that the Plebiscite Administrator should be appointed as soon as conditions on both sides of the cease-fire line permit a start being made with the arrangements for carry-out the plebiscite. In the opinion of the Indian Government, to appoint the Plebiscite Administrator before he could function effectively would be premature. The Government of India would prefer such a proposal to be omitted from the agreement ; it would be more appropriately included in proposals that deal specifically and in detail with the holding of the plebiscite and connected matters.

(b) Position of Pakistan

- (i) It was presumed by the Government of Pakistan that the term "further withdrawal or reductions", mentioned in sub-paragraph 7(b) (ii), referred to the "large-scale reduction and disarmament" envisaged by UNCIP under paragraph 4 of the resolution of 5 January 1949. In this connexion reference was made to the *aide memorie* given by Mr. A. Lozano to the

Minister for Foreign Affairs of Pakistan on 25 December 1948 [S/1196, annex 5].

- (ii) According to the Government of Pakistan, after the large-scale reduction and disbanding of forces on both sides of the cease-fire line contemplated by UNCIP under paragraph 4 of the resolution of 5 January left some *Azad* Kashmir forces on one side and some armed forces on the other. If it was the intention that these forces should be of the status of civil armed forces, the same consideration would apply on both sides of the cease-fire line.
- (iii) The Government of Pakistan felt that a force of not more than four infantry battalions (with the necessary administrative units) should remain on each side of the cease-fire line at the end of the demilitarization programme envisaged in paragraph 7. The Pakistan Government, however, expressed the view that some slight difference in the strength or description of the two forces should not stand in the way of an agreement being reached, so long as the forces on each side of the cease-fire line were of the order indicated above.
- (iv) Regarding the Plebiscite Administrator, the Pakistan Government emphasized the importance of appointing him formally to office as much in advance of the final day of demilitarization as possible.
- (v) Finally, the Government of Pakistan suggested that a provision should be made in the agreement that any differences regarding its interpretation should be referred to the United Nations Representative, whose decision should be final.

Points of difference on proposals 6 to 12

The replies of the Governments of India and Pakistan to paragraphs 6 to 12 of the proposed [draft agreement, as they

have been summarized in the above paragraphs, indicate, in the opinion of the United Nations Representative, that the points of difference between the parties in regard to the interpretation and execution of demilitarization on the basis of the draft agreement, can be established as follows :

(1) Period of demilitarization

- (a) The Government of India greatly doubts whether during the period of ninety days the firm will to settle the Kashmir question peacefully would have replaced in Pakistan the spirit and temper of war prevailing at the present time.
- (b) The Government of Pakistan agrees that the phase of demilitarization be completed during a period of ninety days, unless another period is decided upon by representatives of the Indian and Pakistan Governments.

(2) Withdrawal of troops

- (a) The Indian Government is ready to withdraw the bulk of its army when :
 - (i) The tribesmen, Pakistan nationals not normally resident in the State of Jammu and Kashmir and the Pakistan troops have been withdrawn from the State ;
 - (ii) Large-scale disbandment and disarmament of the *Azad* Kashmir forces have taken place.
- (b) It is the view of the Indian Government that further withdrawals and reductions, as the case may be, of the Indian and State armed forces remaining in the State after the complete withdrawal of the bulk of the Indian forces cannot be related to the period of ninety days. Both the period during which these further withdrawals or reductions are to be made, and their phasing and quantum, cannot be determined at present.

- (c) The Government of Pakistan agrees to the withdrawals as proposed in the draft agreement, emphasizing that the term "further withdrawals or reductions" mentioned in sub-paragraph 7(b) (ii) refers to a large-scale reduction and disarmament.

(3) *Forces to remain on either side of the cease fire line*

- (a) The Government of India agrees that on the Pakistan side of the cease-fire line at the end of the period agreed upon, there should be a force of 4,000 men, consisting of persons normally resident in *Azad Kashmir* territory, half of whom should be followers of *Azad Kashmir* and the other half persons who are not followers of *Azad Kashmir*. This force should be commanded by United Nations officers or "locals" and not by Pakistan officers.
- (b) The Government of India states that there will remain on its side of the cease-fire line in Jammu and Kashmir one line of communication area headquarters and one infantry division (normal) of four brigades of four battalions each.
- (c) The Government of Pakistan maintains that the same consideration should apply to the status of the forces to be left on each side of the cease-fire line.
- (d) The Government of Pakistan considers that a force of no more than four infantry battalions (with the necessary administrative units) should remain on each side of the cease-fire line at the end of the demilitarization programme. However, some slight difference in the strength or description of the two forces should not stand in the way of an agreement being reached.

(4) *Plebiscite Administrator*

- (a) The Government of India considers that the proposals concerning the appointment or the plebiscite

Administrator should be omitted from the agreement. According to the Indian Government, they would be more appropriately included in proposals that deal specifically and in detail with the holding of the plebiscite and connected matters.

- (b) The Government of Pakistan emphasizes the importance of appointing the Plebiscite Administrator formally to office as much in advance of the final day of demilitarization as possible.

(e) *Conclusions*

The United Nations Representative has endeavoured in the preceding chapters to report to the Security Council on the results of his efforts made in discharging the duties entrusted to him by the Security Council in its resolution of 30 March 1951.

Due to the situation prevailing on the sub-continent, as explained in chapters II and III, it was not possible to effect demilitarization during the time available to the United Nations Representative under his terms of reference.

The United Nations Representative has set forth in chapter III the main differences between the two Governments, not only in regard to their interpretation and execution of the UNCIP resolutions of 13 August 1948 and 5 January 1949 concerning demilitarization, but also in regard to points of difference between the parties concerning the proposals made by him for an agreement on a plan for demilitarization. The United Nations Representative considers that, by doing so, he has carried out the instructions contained in paragraph 5 of the Security Council resolution of 30 March 1951.

It is with satisfaction and hope that the United Nations Representative emphasize that fact that the Prime Ministers of India and Pakistan, in their replies to his proposals for an agreement, expressed their willingness to :

- (a) Reaffirm their determination not to resort to force and to adhere to peaceful procedures and specifically pledge themselves they will not commit aggression or make war, the one against the other, with regard to the question of the State of Jammu and Kashmir.
- (b) Agree that each Government, on its part, will instruct its official spokesmen and will urge all its citizens, publications and radio stations not to make warlike statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir.
- (c) Reaffirm their will to observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949.
- (d) Reaffirm their acceptance of the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite under the auspice of the United Nations.

Considering the results of the informal consultations held by the United Nations Representative with the Governments of India and Pakistan, and the written replies received from the two Governments to his letter of 7 September 1951, and considering further the points of difference formulated at the end of chapter III of this report, the United Nations Representative has come to the conclusion that, although he does not underestimate the difficulties, the possibility of arriving at a basis of agreement between the two Governments is not excluded.

Finally, the United Nations Representative should like to emphasize the importance of the task of the United Nations Military Observer Group on the sub-continent in supervising the cease-fire in the State of Jammu and Kashmir.

(f) Recommendations

Accordingly, the United Nations Representative recommends to the Security Council :

(1) That the Security Council call upon the Governments of India and Pakistan to take immediately all measures to improve the relations between the two countries by avoiding any increase of their military potential in the State of Jammu and Kashmir, and by instructing their official spokesmen and urging all their citizens, organizations, publications and radio stations not to make warlike statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir.

(2) That the Security Council consider the possibility of a renewed effort being made to obtain an agreement of the parties to a plan for effecting the demilitarization of the State of Jammu and Kashmir.

(3) That if the Security Council decides that a renewed effort to obtain an agreement should be made, it might consider instructing the United Nations Representative to implement its decision by continuing the negotiations with the Governments of India and Pakistan in order to obtain an agreement of the parties to a plan for effecting the demilitarization of the State of Jammu and Kashmir. Such negotiations should be carried out the seat of the Security Council and the Council should instruct the United Nations Representative to report to the Council within six weeks.

(B) SECOND GRAHAM REPORT TO THE
SECURITY COUNCIL (*Original Text*,
19 December 1951)

(a) *Introduction*

The purpose of this report is to inform the Security Council of the manner in which the United Nations Representative for India and Pakistan has carried out his duties in accordance with the Security Council resolution of 10 November 1951 [S/2392], in connexion with its resolution of 30 March 1951 [S/2017/Rev. 1].

1. Terms of reference

1. On 10 November 1951, the Security Council adopted a resolution in which

"The Security Council,

"Having recieved and noted the report of Mr. Frank Graham, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 30 March 1951, and having heard Mr. Graham's address to the Council on 18 October 1951 [564th meeting].

"Noting with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan.....

"2 Instructs the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir.....

"4. Instructs the United Nations [Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect."

2. These terms of reference given by the Security Council to the United Nations Representative should be considered in connexion with those set forth in operative paragraphs 3 and 5 of the resolution of 30 March 1951 as follows :

"The Security Council...

"3. Instructs the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the

United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 ..

5. *Instructs* the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out."

II. Procedure adopted under the resolution of 10 November 1951

3. The resolution of 10 November 1951 noted with approval the basis for a programme of demilitarization put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan [S/2375, *annex 2*], and instructed the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir.

4. The proposals for a plan for effecting the demilitarization of the State of Jammu and Kashmir are contained in the letter dated 7 September 1951 addressed to the Prime Ministers of India and Pakistan.

5. The procedure adopted by the United Nations Representative was as follows :

- (a) To exhaust the possibilities, if any, in endeavouring to reach an agreement between the parties on the proposals of the United Nations Representative contained in the communication of 7 September 1951 :

- (b) If the parties were unable to reach an agreement on the proposals, to obtain their detailed plans of demilitarization under the United Nations Commission for India and Pakistan (UNCIP) resolutions of 13 August 1948 and 5 January 1949 in order to establish the points of difference in regard to the interpretation and execution of these resolutions which the United Nations Representative considered must be resolved to enable such demilitarization to be carried out.

With regard to the first question, that is, to exhaust the possibilities of reaching an agreement under the proposals of the United Nations Representative contained in the communication of 7 September 1951, the United Nations Representative desires to recall to the Council the points of difference between the Governments of India and Pakistan in regard to the draft agreement submitted to them. These points of difference were reported by the United Nations Representative on 15 October 1951 as follows [S/2375, para. 60] :

“(1) Period of demilitarization

- “(a) The Government of India greatly doubts whether during the period of ninety days the firm will to settle the Kashmir question peacefully would have replaced in Pakistan the spirit and temper of war prevailing at the present time.
- “(b) The Government of Pakistan agrees that the phase of demilitarization be completed during a period of ninety days, unless another period is decided upon by representatives of the Indian and Pakistan Governments.

“(2) Withdrawal of troops

- “(a) The Indian Government is ready to withdraw the bulk of its army when

- “(i) The tribesmen, Pakistan nationals not normally resident in the State of Jammu and Kashmir and the Pakistan troops have been withdrawn from the State ;
- “(ii) Large-scale disbandment and disarmament of the *Azad* Kashmir forces have taken place.
- “(b) It is the view of the Indian Government that further withdrawals and reductions, as the case may be, of the Indian and State armed forces remaining in the State after the complete withdrawal of the bulk of the Indian forces cannot be related to the period of ninety days. Both the period during which these further withdrawals or reductions are to be made, and their phasing and quantum, cannot be determined at present.
- “(c) The Government of Pakistan agrees to the withdrawals as proposed in the draft agreement, emphasizing that the term “further withdrawals or reductions” mentioned in sub-paragraph 7 (b) (ii) refers to a large-scale reduction and disarmament.
- “(3) *Forces to remain on either side of the ceasefire line*
- “(a) The Government of India agrees that on the Pakistan side of the cease-fire line at the end of the period agreed upon, there should be a force of 4,000 men, consisting of persons normally resident in *Azad* Kashmir territory, half of whom should be followers of *Azad* Kashmir and the other half persons who are not followers of *Azad* Kashmir. This force should be commanded by United Nations officers or “locals” and not by Pakistan officers.
- “(b) The Government of India states that there will remain on its side of the cease-fire line in Jammu and Kashmir one line of communication area headquarters and one infantry division (normal) of four brigades of four battalions each.

- “(c) The Government of Pakistan maintains that the same consideration should apply to the status of the forces to be left on each side of the cease-fire line.
- “(d) The Government of Pakistan considers that a force of no more than four infantry battalions (with the necessary administrative units) should remain on each side of the cease-fire line at the end of the demilitarization programme. However, some slight difference in the strength or description of the two forces should not stand in the way of an agreement being reached.

“(4) *Plebiscite Administrator*

- “(a) The Government of India considers that the proposals concerning the appointment of the Plebiscite Administrator should be omitted from the agreement. According to the Indian Government, they would be more appropriately included in proposals that deal specifically and in detail with the holding of the plebiscite and connected matters.
- “(b) The Government of Pakistan emphasizes the importance of appointing the Plebiscite Administrator formally to office as much in advance of the final day of demilitarization as possible.”

From the outset the United Nations Representative emphasized the desirability of concentrating his efforts on endeavouring to narrow the differences of the parties on the two fundamental points outlined in sub-paragraphs (3) and (4) above, namely.

- (a) The minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and
- (b) The day on which the Government of India would cause the Plebiscite Administrator to be formally appointed to office.

To this end the United Nations Representative had several meetings with the parties, one jointly, the others separately, and his efforts covered the period that started on 10 November 1951, and finished, practically speaking, with the drafting of this report.

After having ascertained the present position of the parties, the United Nations Representative presented to them on 7 December 1951 the statement and questionnaires which appear as annex 3 to this report. To the Government of India he also addressed a letter [annex 4] requesting the Government's detailed plans for carrying out the demilitarization of the State of Jammu and Kashmir under the two UNCIP resolutions.

On 11 December 1951 the Government of Pakistan handed to the United Nations Representative its answers to the questionnaire [annex 5].

The Government of India presented its answers to the questionnaire and to the letter of the United Nations Representative on 14 December 1951 [annex 6].

During the negotiations it was deemed useful that informal conversations be held at a military level. To this end, the Military Adviser of the United Nations Representative, at separate meetings with the military advisers of the representative of India and with the representative of Pakistan, discussed relevant military matters in a purely exploratory manner. Although in proposal 9 of the United Nations Representative [S/2375, annex 2] it is contemplated that the representatives of the Indian and Pakistan Governments, assisted by their military advisers, would meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of that agreement, during the discussions mentioned above, the phasing of the withdrawals of troops was considered, without prejudice to proposal 9 of the draft agreement. These discussions showed that, although agreement might have been reached on the phasing of some of the withdrawals, the differences between the parties on the quantum

to be left at the end of the period of demilitarization were essentially the same differences that had previously impeded agreement. On the other hand, as the demilitarization was contemplated in a single, continuous process and as subparagraphs 4 (a) and (b) of the UNCIP resolution of 5 January 1949 conferred upon the Plebiscite Administrator certain functions with respect to the final disposal of forces, the appointment of the Plebiscite Administrator at a certain moment in the period of demilitarization was considered necessary. On this basic point also no agreement could be reached. At the end of his informal discussions the military adviser reported to the United Nations Representative on his exploratory talks and his tentative plan of demilitarization.

III. Points of difference between the two Governments

The points of difference of the two Governments in regard to their interpretation and execution of the UNCIP resolutions of 13 August 1948 and 5 January 1949 remain on the fundamental issues as they appear in the first report of the United Nations Representative [*S/2375, paras. 37-44*].

Concerning the points of difference between the Governments on the proposals of the United Nations Representative of 7 September 1951, the conversations held by the United Nations Representative with the parties, as well as the answers he has received to the different questions put to them by him, have convinced him that at this stage of the negotiations the parties could not achieve accord on the draft agreement as a whole, submitted to them by the United Nations Representative on 7 September 1951.

As explained above, the United Nations Representative concentrated his efforts on what in his opinion constituted the two fundamental points of difference between the parties with regard to his proposals for agreement, namely,

- (a) The minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and

- (b) The day on which the Government of India would cause the Plebiscite Administrator to be formally appointed to office.

MINIMUM OF FORCES

In his statement to the parties of 7 December 1951 [*annex 3*] the United Nations Representative pointed out that

"...the number of armed forces to remain at the end of the period of demilitarization should be decisively reduced to the smallest number possible for the final disposal by the Plebiscite Administrator".

In the questionnaires submitted to the parties, the United Nations Representative had in mind that the Government of India had repeatedly stated that the Government of India was responsible for the security of the State of Jammu and Kashmir, and security could not be made dependent solely on assurances offered, but must be related to the actual conditions prevailing in the area. The United Nations Representative also took into account the fact that in August 1951 the Government of India, in answering a question submitted by the United Nations Representative, had said :

"The expression 'security of the State' referred to in question 9 is intended to connote the security of the State of Jammu and Kashmir against incursion of tribesmen, Pakistan nationals and regular Pakistan forces whether acting separately or in concert".

In its answer to the questionnaire the Government of India said [*annex 6 para. 7*] :

"It should be noticed that the Indian troops remaining in the State of Jammu and Kashmir at the end of the period of demilitarization under this plan are over 7,000 less than the minimum stated in paragraph 8 of the Prime Minister's letter of 11 September" [*2375, annex 3*].

Furthermore, in paragraph 8 of its answer to the questionnaire, the Government of India said :

"The quantum of troops proposed in paragraph 5 above should be compared with the force of about a dozen battalions of infantry plus artillery, cavalry and other protective forces which were maintained by the State of Jammu and Kashmir before the partition of India, when the borders of the State were secured against any external threat by the presence of large garrisons in British India at all the strategic approaches to the State, and when conditions of comparative peace and security prevailed on the sub-continent and in the neighbouring countries. Not only has the State since suffered two invasions, but on some of its frontiers extremely unsettled conditions still prevail. These factors must inevitably influence the strength of the forces now required for its security. It should also be pointed out that any appreciation affecting the security of the territory and the strength of the forces required to ensure it, must remain the responsibility of the Government of India".

The Government of Pakistan maintains that [*annex 5, para. 10*]

"...a force of no more than four infantry battalions (with the necessary administrative units) should be left on each side of the cease-fire line. The Pakistan Government is, however, prepared to agree that so long as the forces on each side of the cease-fire line are of the order indicated above, some slight difference in the strength or description of the two forces should not stand in the way of an agreement being reached".

During the discussions at the military level information received indicated that at some stage of the tentative plane of demilitarization the withdrawals of armed forces would amount to a great proportion compared with those that were there on 1 January 1949. However, the disparity between the number and character of the forces proposed by the parties to be left

at the end of the period of demilitarization were so wide that any agreement on the whole plan concerned as a single continuous process could not be reached at this stage.

APPOINTMENT OF THE PLEBISCITE ADMINISTRATOR

The opinions of the Government of India and Pakistan concerning the induction into office of the Plebiscite Administrator were so irreconcilable that the United Nations Representative could not see the possibility of obtaining an agreement at this stage.

The Indian Government insisted that the Plebiscite Administrator should be appointed as soon as conditions in the State, on both sides of the cease-fire line, permitted of a start being made with the arrangements for carrying out the plebiscite, and that to appoint the Plebiscite Administrator before he could function effectively would be premature. On the other hand, the Government of Pakistan emphasized the importance of appointing the Plebiscite Administrator formally to office as much in advance of the final day of demilitarization as possible.

IV. Views of the United Nations Representative concerning the problem confided to him

The United Nations Representative has endeavoured in the preceding part of his report to present to the Security Council a summary of his efforts to implement the resolution of the Council of 10 November 1951.

In his first report to the Security Council dated 15 October 1951, the United Nations Representative reported that the two Governments had indicated agreement on four of the twelve proposals for an integrated plan of demilitarization submitted to the Prime Ministers of India and Pakistan on 7 September 1951 [S/2375, *para.* 50].

The four proposals on which agreement had been reached were proposals 1, 2, 3 and 4.

The United Nations Representative can now report agreement on four more proposals, namely, proposals 8, 9, 11 and 12.

The representative of India agreed to accept proposal 12 of the draft agreement on the understanding that the reference made there was not to differences arising in the process of drawing up a programme of demilitarization, but only to differences upon technical details concerning the actual implementation of the agreed programme. The United Nations Representative agreed with this interpretation of proposal 12.

Agreement has not been reached on the four most basic proposals of the twelve, namely, proposals 5, 6, 7 and 10. Agreement on these four proposals is most essential for carrying out the plan of demilitarization envisaged as an integrated whole in the twelve proposals.

The four basic proposals on which agreement between the parties has not been reached are as follows :

"5. Agree that subject to the provisions of paragraph 11 below the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single, continuous process ;

"6. Agree that this process of demilitarization shall be contemplated during a period of ninety days, unless another period is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9 below ;

"7. Agree that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be.

"(a) On the Pakistan side of the cease-fire line

"(i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn ;

"(ii) The Pakistan troops will have been withdrawn from the State ; and

"(iii) Large scale disbandment and disarmament of the *Azad* Kashmir forces will have taken place.

(b) *On the Indian side of the cease-fire line*

"(i) The bulk of the Indian forces in the State will have been withdrawn ;

"(ii) Further withdrawals or reductions, as the case may be, of the Indian and State Armed forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out,

"so that at the end of the period referred to in paragraph 6 above there will remain on the present Pakistan side of the cease-fire line a force of.....civil armed forces, and on the Indian side of the cease-fire line a force of.....

"10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above."

The United Nations Representative has carefully considered the situation on the sub-continent with regard to the relations between India and Pakistan in general and the Kashmir problem in particular [*S/2375, chapters II and III*]. Furthermore, he has paid careful attention to the views put forward by both parties, and he has sought to narrow the differences between the parties on the basis of the twelve proposals of the plan as a whole which was noted with approval by the Security Council in the resolution adopted on 10 November 1951.

Accordingly, and with reference to paragraph 4 of the resolution of the Security Council of 10 November 1951, the

United Nations Representative now wishes to express his view on the problem arising from the lack of an agreement on four of the twelve proposals, as follows :

- (a) With regard to proposal 5 which reads as follows :

"Agree that subject to the provisions of paragraph 11 below the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single, continuous process",
the United Nations Representative repeats the view expressed in paragraph 56 of his report of 15 October 1951 which reads as follows :

"Agreement that the demilitarization of the State of Jammu and Kashmir should be effected in a single, continuous process implied, in the opinion of the United Nations Representative, the implementation of part II of the 13 August 1948 resolution, together with sub-paragraph 4(a) and (b) of the 5 January 1949 resolution as a whole .."

- (b) In his opinion, proposal 6 should read as follows :

"Agree that this process of demilitarization shall be completed on 15 July 1952, unless another date is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9."

- (c) Proposal 7 should read as follows :

"Agree that the demilitarization shall be carried out in such a way that on the date referred to in paragraph 6 above the situation will be :

- "(a) *On the Pakistan side of the cease-fire line*

"(i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn ;

"(ii) The Pakistan troops will have been withdrawn from the State ; and

"(iii) Large-scale disbandment and disarmament of the *Azad* Kashmir forces will have taken place.

"b) *On the Indian side of the cease-fire line*

"(i) The bulk of the Indian forces in the State will have withdrawn ;

"(ii) Further withdrawals or reductions, as the case may be, of the Indian and State armed forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out,

"so that on the date referred to in paragraph 6 above there will remain on each side of the ceasefire line the lowest possible number of armed forces based in proportion on the number of armed forces existing on each side of the cease-fire line on 1 January 1949."

(d) Proposal 10 to be maintained as it stands, namely :

"Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above."

The United Nations Representative, in accordance with the request of the Security Council that he give his views on the problem confided to him, has presented this analysis of the problem and his views thereon, with the hope that they will help the Council to assist the parties in reaching an agreement on the problem of demilitarization of the State of Jammu and Kashmir in the more hopeful atmosphere prevailing in the sub-continent.

C. THIRD GRAHAM REPORT TO THE SECURITY COUNCIL (*Original Text, 22 April 1952*)

Introduction

This report is to inform the Security Council of the manner in which the United Nations Representative has discharged his responsibilities under the resolutions of the Security Council of 30 March and 10 November 1951 [*S/2017/Rev. 1 and S/2392*] in connexion with the statement made by the President of the Security Council on 31 January 1952 [*572nd meeting, paras. 28-32*].

The report is divided into three parts : part I deals with the progress made on the twelve proposals [*S/2375/Rev. 1, annex 2*] for an agreement on demilitarization ; part II sets forth the views of the United Nations Representative on the general problem and his conclusions ; part III contains his recommendations. The report is supplementary to the first and second reports of the United Nations Representative.

Part I

TWELVE PROPOSALS FOR AN AGREEMENT ON DEMILITARIZATION

A. TERMS OF REFERENCE OF THE UNITED NATIONS REPRESENTATIVE

At the 572nd meeting of the Security Council on 31 January 1952 the President said :

- (a) "...he [Mr. Graham] should continue his negotiations in pursuance of his terms of reference under the resolutions of 30 March and 10 November 1951, in order to remove the remaining difficulties which he [Mr. Graham] has described."
- (b) "Although we cannot strictly limit the negotiations which, to have every chance of success, must be flexible, I feel I can say that the Council definitely

expects to receive a report within two months, that is by 31 March”.

These terms of reference given to the United Nations Representative should be considered in connexion with those instructions set forth in the resolution of 30 March 1951 as follows :

“The Security Council

“... ..

“3. Instructs the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan (UNCIP) resolutions of 13 August 1948 and 5 January 1949 ;

“.....

“5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out ;”

and with the resolution of the Security Council of 10 November 1951 as follows :

“The Security Council,

“Having received and noted the report of Mr. Frank Graham, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council

resolution of 30 March 1951, and having heard Mr. Graham's address to the Council on 18 October 1951 [564th meeting] :

"*Noting with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan,*

".....

"2. *Instructs the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir ;*

".....

"4. *Instructs the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect*".

B. PROCEDURE ADOPTED BY THE UNITED NATIONS REPRESENTATIVE

The United Nations Representative in his statement to the Security Council on 31 January 1952 [572nd meeting, paras, 36-40] indicated that he wished to enter into consultation with the Minister for Foreign Affairs of the Government of Pakistan and the representative of the Government of India, then in Paris, on the procedure for carrying out the responsibilities entrusted to him.

To this end, discussions were held in Paris early in February with the representatives of the two Governments.

The United Nations Representative and his staff left New York on 26 February 1952, arriving in New Delhi on 29 February. He and his staff left the subcontinent on 25 March to report to the Security Council.

The United Nations Representative and his staff were as follows :

Mr. Frank P. Graham, United Nations Representative ;

Mr. Miguel A. Marin, Principal Secretary, (Department of Security Council Affairs) ;

General Jacob L. Devers, Military Adviser.

Mr. J. F. Engers, Political Officer (Department of Security Council Affairs) ;

Colonel Joy Dow, Liaison Officer ;

Mr. Elmore Jackson, Personal Assistant to the United Nations Representative ;

Miss Louise A. Crawford, Secretary (Administrative and Financial Services) ;

Miss Mary Robertson, Secretary (Department of Public Information).

In order to assist the Governments of India and Pakistan in removing the remaining difficulties described in his second report [S/2448, paras. 30-32], the United Nations Representative continued, during this four-week period, his previous procedure of separate negotiations with the parties.

The possibility was also envisaged of having representatives of the two Governments, at a level to be decided, meet together with the United Nations Representative, but after careful consideration it was concluded that the meeting was not advisable until sufficient preliminary agreement had been reached as to ensure positive results from such a joint conference.

C. ANALYSIS OF THE MAIN QUESTIONS

(1) *Progress under the twelve proposals*

In his first report [S/2375/Rev. 1, paras. 49-50] the United Nations Representative informed the Security Council of the agreement of the Government of India and Pakistan on the first four paragraphs of the twelve proposals, which read as follows ;

"The Governments of India and Pakistan :

"1. *Reaffirm* their determination not to resort to force and to adhere to peaceful procedures and specifically pledge themselves that they will not commit aggression or make war, the one against the other, with regard to the question of the State of Jammu and Kashmir ;

"2. *Agree* that each Government, on its part, will instruct its official spokesmen and will urge all its citizens, organizations radio stations not to make warlike statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir ;

"3. *Reaffirm* their will to observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949 ;

"4. *Reaffirm* their acceptance of the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations".

In the second report [S/2448, paras. 27-28] the agreement of the two Governments on four more of the proposals was reported, namely,

"8. *Agree* that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to in paragraph 6 above ;

"9. *Agree* that representatives of the Indian and Pakistan Government, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above ;

"...

"11. *Agree* that the completion of the programme of demilitarization referred to in paragraph 9 above will be

without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution :

"12 *Agree* that differences regarding the programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continues, to the United Nations Representative, whose decision shall be final.

In the second report the United Nations Representative informed the Security Council that the four basic paragraphs on which agreement between the parties had not been reached were paragraphs 5, 6, 7 and 10 of the twelve proposals [S/2448, *paras.* 29-30]. The United Nations Representative, as a basis for an approach to the chief remaining difficulties, revised and completed paragraphs 6 and 7 of the proposals and redrafted them in the way they appear in his second report [S/2448, *para.* 32]. Therefore, the four basic proposals on which agreement between the parties had not been reached at moment of the submission of the second report on 19 December 1951 were as follows :

"5. *Agree* that subject to the provisions of paragraph 11 below the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single continuous process ;

"6. *Agree* that this process of demilitarization shall be completed on 15 July 1952, unless another date is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9 ;

"7. *Agree* that the demilitarization shall be carried out in such a way that on the date referred to in paragraph 6 above the situation will be :

"(a) On the Pakistan side of the cease-fire line :

"(i) The tribesmen and Pakistan nationals not normally resident who had entered the State for the purpose of fighting will have been withdrawn ;

"(ii) The Pakistan troops will have been withdrawn from the State ; and

"(iii) Large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place.

"(b) On the Indian side of the cease-fire line :

"(i) The bulk of the Indian forces in the State will have been withdrawn ;

"(ii) Further withdrawals or reduction, as the case may be, of the Indian and State armed forces remaining in the State after the completion of the operation referred to in sub-paragraph (b)

(i) above will have been carried out, so that on the date referred to in paragraph 6 above there will remain on each side of the cease-fire line the lowest possible number of armed forces based in proportion on the number of armed forces existing on each side of the cease-fire line on 1 January 1949 ;

"...

"10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above;"

(2) Clarifications

In his proposals of 7 September 1951, revised and redrafted as indicated above (para. 13), the United Nations Representative stated [S/2375/Rev.1, paras. 51-53] :

- (a) That the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 *should be effected in a single, continuous process* (paragraph 5 of the proposals).

The United Nations Representative said in his first report [S/2375/Rev.1, para. 56] that agreement that the demilitarization of the State of Jammu and Kashmir should be effected in a single continuous process, implied, in his opinion, the implementation of part II of the 13 August 1948 resolution, together with subparagraphs 4 (a) and (b) of the 5 January 1949 resolution as a whole, and would lead to the following consequences :

- (i) On the Pakistan side of the cease-fire line, the tribesmen and Pakistan troops would be withdrawn as provided in section A, paragraphs 1 and 2 of part II of the UNCIP resolution of 13 August 1948, and the *Azaa* Kashmir forces would be disbanded and disarmed as provided in sub-paragraph 4 (b) of the UNCIP resolution of 5 January 1949.
- (ii) On the Indian side of the cease-fire line, the bulk of the Indian forces would be withdrawn as provided in section B, paragraph 1 of part II of the UNCIP resolution of 13 August 1948 and further withdrawals or reductions, as the case may be, of the Indian and State armed forces would take place as provided in sub-paragraph 4 (a) of the UNCIP resolution of 5 January 1949.
- (iii) The Plebiscite Administrator should be appointed to office at some stage during the period of demilitarization, inasmuch as the resolution of 5 January 1949 conferred upon him certain responsibilities with respect to the implementation of sub-paragraphs 4 (a) and (b) of that resolution.

- (b) That the process of demilitarization "*should be completed on 15 July 1952, unless another date was decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9*" (redrafted paragraph 6 of the proposals).

The date 15 July 1952 was based on the premise that the weather would permit easier withdrawals of the troops on the Indian side of the cease-fire line at the end of the spring and the beginning of the summer.

- (c) That, as provided in sub-paragraph 7 (b) (ii) of the proposals, "further withdrawals or reductions, as the case might be, of the Indian and *State armed forces...* will have been carried out."

The United Nations Representative had been requested to give his understanding of the term "State armed forces". In the UNCIP resolution of 13 August 1948 no mention is made of "State armed forces". The term appears in sub-paragraph 4 (a) of the UNCIP resolution of 5 January 1949.

The United Nations Representative believes that the term "State armed forces" is one which must be given careful consideration in preparation for the carrying out by the United Nations Representative and the Plebiscite Administrator of their responsibilities under sub-paragraphs 4 (a) and (b) of the resolution of 5 January 1949.

- (d) That on the date (15 July 1952) referred to in paragraph 6 of the proposals there would remain on each side of the cease-fire line *the lowest possible number of armed forces, based in proportion to the number of armed forces existing on each side of the cease-fire line on 1 January 1949.*

After this suggestion was made, the United Nations Representative found such a wide difference of position still remaining between the two Governments on the issue of the quantum of forces that, without prejudice to further

negotiations on this question, and as a practical matter, another approach to this problem should be explored.

- (c) That the completion of the programme of demilitarization would be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the *final* disposal of forces as set forth in sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution.

The United Nations Representative has been requested to give his understanding of the expression "final disposal" of forces. Sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution confer upon the Plebiscite Administrator certain responsibilities with respect to their implementation. It would therefore be premature for the United Nations Representative, without consulting the Plebiscite Administrator and without having further discussions with the two Governments, to give an opinion on this matter.

During the negotiations a reference was made to the powers of the Plebiscite Administrator with regard to the "final disposal" of forces referred to in sub-paragraphs 4 (a) and (b) of the UNCIP resolution of 5 January 1949. This is a matter that enters into the general question of the powers that the Plebiscite Administrator shall derive from the State of Jammu and Kashmir and it has already been a subject of discussion between the UNCIP and the Governments of India and Pakistan. The United Nations Representative does not deem it appropriate at this moment to enter into discussions on the subject.

In general, the United Nations Representative would like to remind the Security Council that in his first report [S/2375/Rev. 1, para, 54] he emphasized that the practical details of a programme of demilitarization could best be taken up in a meeting, held under the auspices of the United Nations, between representatives of the two Governments assisted by

their military advisers, once agreement had been reached on the broad principles.

D. NEGOTIATIONS WITH THE GOVERNMENTS IN INDIA AND PAKISTAN IN MARCH 1952

(1) *On the remaining differences concerning the twelve proposals*

In his statements to the Security Council on 17 and 31 January 1952 [570th and 572nd meetings], the United Nations Representative emphasized that in order to obtain demilitarization, an agreed solution should be found for the following :

- (a) A definite period for demilitarization ;
- (b) The scope of demilitarization ;
- (c) The quantum of forces that would remain at the end of the period of demilitarization ; and
- (d) The date for the formal induction into office of the Plebiscite Administrator.

Following the meeting of the Security Council of 31 January 1952, the United Nations Representative, in discharging the duties conferred upon him by the Security Council, had in mind two purposes :

- (a) To assist the parties in removing the remaining described difficulties in an effort to reach an agreement on the twelve proposals, and
- (b) Without prejudice to the above, to obtain, if possible, further withdrawals from the State of Jammu and Kashmir, on both sides of the cease-fire line.

Concerning the four basic proposals on which agreement between the parties had not been reached, the United Nations Representative, in his conversations with the Governments of India and Pakistan in New Delhi and Karachi in March 1952, ascertained the then present points of view of the two

Governments, and gives his understanding of their position as follows :

Position of India

Forces to remain on either side of the cease-fire line :

- (a) The Government of India maintains its position concerning the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, i.e. :

On the Indian side : 21,000 regular Indian Army forces, plus 6,000 State Militia :

On the Pakistan side : A force of 4,000 men consisting of persons normally resident in *Azad Kashmir* territory, half of whom should be followers of *Azad Kashmir* and the other half persons who are not followers of *Azad Kashmir*.

- (b) The Government of India also stated that, should the situation be favourable, it would be ready, at the end of the period of demilitarization, to enter into consultations with the Plebiscite Administrator and with the United Nations Representative to consider a further reduction of forces on the Indian side.

Period and scope of demilitarization and induction into office of the Plebiscite Administrator :

- (c) Of the three other principal points of difference emerging from the second report of the United Nations Representative, the Government of India considers that two, namely, a definite period for demilitarization and the date for the formal induction into office of the Plebiscite Administrator, can be settled without difficulty, provided agreement is reached on the scope of demilitarization and the quantum of forces that would remain at the end of the period of demilitarization.

*Position of Pakistan**Period of demilitarization :*

- (a) Pakistan agrees that the demilitarization programme envisaged by the United Nations Representative should be completed not later than 15 July 1952.

Scope of demilitarization :

- (b) Pakistan insists that the demilitarization programme should embrace all the armed forces in Jammu and Kashmir without exception, namely, the Pakistan Army, the *Azad* Kashmir forces, the Indian Army, the State Army and the State Militia. (The tribesmen and Pakistan volunteers are stated to have already withdrawn from the Pakistan side of the cease-fire line.)

Quantum of forces :

- (c) Pakistan agrees that at the end of the period of demilitarization there should remain on each side of the cease-fire line "the lowest possible number of armed forces based in proportion to the number of armed forces existing on each side of the cease-fire line on 1 January, 1949".

Induction into office of the Plebiscite Administrator :

- (d) Pakistan agrees that the Plebiscite Administrator should be inducted into office not later than the final day of the demilitarization period referred to in (a) above.

(2) On the withdrawal of troops

Concerning withdrawals of troops from the State of Jammu and Kashmir, the United Nations Representative is able to report the following :

- (a) *On the Indian side of the cease-fire line :*

The Government of India has agreed to withdraw unconditionally and without prejudice to the negotiations concerning proposals for demilitarization submitted to the Governments of India and Pakistan, one division with supporting arms, from its side of the cease-fire line in the State of Jammu and Kashmir, which it estimates to be a force of approximately 18,000 men.

(b) On the Pakistan side of the cease-fire line :

The Government of Pakistan contends that the Indian forces in Jammu and Kashmir were greatly augmented in the summer of 1951, and that even after the withdrawal of one Indian Army division, the strength of the Indian forces in Jammu and Kashmir would be far in excess of the Pakistan forces in the State.

(3) On related matters

The Security Council will recall that the United Nations Representative said in his first report [S/2375/Rev. 1, paras. 17-20] that the period spent by the Mission on the sub-continent in July-September 1951 was a period characterized by the existence of a great tension between the two Governments. He also referred, among other things, to the fact that on 30 June 1951 the Permanent Representative of India to the United Nations addressed a communication to the President of the Security Council [S/2225] transmitting a communication from the Prime Minister and Foreign Minister of India alleging a series of violations by Pakistan of the cease-fire line. Also, on 15 July 1951, the Permanent Representative of Pakistan to the United Nations, addressed a communication to the President of the Security Council and the Secretary-General [S/2245 and Corr. 1] bringing to the notice of the Security Council "that heavy concentrations of Indian Army forces are taking place in East Punjab and in Jammu and Kashmir. This constitutes a great threat to the security of Pakistan and to international peace".

With regard to the present possibility of India and Pakistan making withdrawals of troops from their common frontiers near the borders of the State of Jammu and Kashmir the United Nations Representative can now report to the Security Council that :

- (a) The Government of India has recently issued orders for withdrawals to distances varying from 70 to 450 miles of those military formations of the Indian Army, which last summer had, at certain points, been moved on Indian territory to within 30 miles of the western Indo-Pakistan, border. These withdrawals are in the process of being carried out.
- (b) The Government of Pakistan indicated that most of the forces "which it had been compelled" to move to the Indo-Pakistan border during the summer of 1951 had been withdrawn to their "peace-time stations".

Part II

VIEWS OF THE UNITED NATIONS REPRESENTATIVE ON THE GENERAL PROBLEM

A. TERMS OF REFERENCE OF THE UNITED NATIONS REPRESENTATIVE UNDER THE 30 MARCH 1951 RESOLUTION

The United Nations Representative derives his terms of reference from the resolution of the Security Council of 30 March 1951 [S/2017/Rev.1] in which the Security Council,

"3. *Instructs* the United Nations Representative to proceed to the sub-continent and, after consultation with the Government of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission of India and Pakistan resolutions of 13 August 1948 and 5 January 1949;"

Of this quoted part of the resolution the words "to effect the demilitarization ... on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949" should be especially noted.

These two UNCIP resolutions are inter-dependent. The main purposes of the two resolutions, considered as a whole, were, (a) The cease-fire and preservation of peace; (b) The plebiscite, the question of demilitarization (truce agreement) being on of procedure.

The main obstacles which the UNCIP and the previous and present United Nations Representatives found in the path of demilitarization centered in the scope of military withdrawals, the synchronization of such withdrawals, and the question of the disbanding and disarming of the *Azad* Kashmir forces.

The United Nations Representative chose the approach embodied in the twelve proposals in order to effect demilitarization in a single, continuous process, and therefore to solve indirectly one of the main obstacles, namely, the synchronization of the withdrawals and the implementation of the principles of sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution.

B. ANALYSIS OF THE RESOLUTIONS

Before entering into the details concerning the UNCIP resolutions of 13 August 1948 and 5 January 1949, it may perhaps be of assistance to recall the time and circumstances in which the resolutions were adopted.

At the time the resolution of 13 August 1948 was proposed to the Government of India and Pakistan, hostilities were taking place in the State of Jammu and Kashmir. The 5 January 1949 resolution, for all practical purposes, was accepted at the end of December 1948. As a consequence, the cease-fire orders were issued which brought the suspension of hostilities, on 1 January 1949.

(1) *UNCIP resolution of 13 August 1948*(a) *Part I*

Part I deals with the cease-fire. The primary objective of the UNCIP during the first stage of its activities was to obtain a suspension of hostilities. The cease-fire was agreed upon between the two parties and made effective on 1 January 1949 and, as a completion of this part of the resolution, a cease-fire line was agreed upon between the two Governments under the auspices of the UNCIP in the Karachi Agreement of 27 July 1949. The line was demarcated subsequently on the ground.

Therefore, part I of the resolution of 13 August 1948 can be considered implemented.

(b) *Part II*

Part II of the 13 August 1948 resolution, entitled "Truce agreement", outlined the way in which the demilitarization of the State should be carried out. This reads as follows :

"Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in part I, both Governments accept the following principles as a basis for formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

"A

"1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

"2. The Government of Pakistan will use its best endeavour to secure the withdrawal from State of Jammu

and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.

"3. Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

"B

"1. When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw bulk of its forces from that State in stages to be agreed upon with the Commission.

"2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

"3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed."

The principles for the formulation of a truce agreement, as mentioned above, were established in August 1948. The cease-fire became effective on 1 January 1949. The Security

Council may find it useful to consider part II of the resolution of 13 August 1948, in which the basic principles of demilitarization are laid down, in the light of the circumstances as they exist at the end of March 1952.

On the Pakistan side :

Concerning section A, paragraph 1 of II ("Truce agreement"), the present number of armed forces on the Pakistan side of the cease-fire line is estimated to be less than 50 per cent of the number of armed forces existing on 1 January 1949.

Concerning section A, paragraph 2 of part II, the tribesmen and Pakistan nationals not normally resident in the State of Jammu and Kashmir who had entered the State for the purpose of fighting are reported by the Government of Pakistan to have been withdrawn from the State.

On the Indian side :

Concerning section B, paragraph 2 of part II, the present number of armed forces on the Indian side of the cease-fire line is estimated to be less than 50 per cent of the number of armed forces existing on 1 January 1949.

From the above it appears that since the resolution of 13 August 1948 was agreed upon, and since the suspension of hostilities came into effect on 1 January 1949, there has been a considerable reduction in the forces on each side of the cease-fire line.

Therefore part II of the resolution of 13 August 1948 has, to a considerable extent, already been implemented.

(c) *Part III*

Concerning part III of the resolution of 13 August 1948, procedure for its implementation has been elaborated in the resolution of 5 January 1949.

(2) *UNCIP resolution of 5 January 1949*

The UNCIP resolution of 5 January 1949 set up the principles for a plebiscite in the State of Jammu and Kashmir. By inference, this resolution contemplates two main stages in connexion with the plebiscite :

- (a) the period for the preparation of the plebiscite, and
- (b) the plebiscite itself.

The first stage requires a preliminary step in which a study should be made of the conditions on each side of the cease-fire line and of the requirements for holding a free and impartial plebiscite in the State of Jammu and Kashmir.

Throughout this report and throughout all the negotiations as set forth in the first and second reports of the United Nations Representative, it has been evident that many of the questions dealing with the demilitarization of the State are closely related to problems affecting the preparation of the plebiscite and with the responsibilities of the Plebiscite Administrator. Among these responsibilities is the final disposal of the forces to remain on each side of the cease-fire line, with due regard to the security of the State and the freedom of the plebiscite.

In short, the demilitarization of the State of Jammu and Kashmir has now reached a stage in which further consideration will affect the prerequisites for a plebiscite and therefore are inter-related with the responsibilities which the Plebiscite Administrator will one day be called upon to exercise.

It is the firm conviction of the United Nations Representative that besides the question of the final quantum of forces, there are other factors which have a bearing on demilitarization, which need now to be taken into consideration. The United Nations Representative is not at the present time in a position to give a considered statement on all these factors. He feels, however, that with further explorations into the relationships between the last stage of demilitarization and the first stage of preparation for the plebiscite he would

perhaps be able to place the question of demilitarization in a perspective which would favour its solution.

Further reductions of troops on each side of, the cease-fire line are directly related to the preparation of the plebiscite. The United Nations Representative, in addition to having the advice of the civilian and military members of his staff, deems it necessary that the Plebiscite Administrator-designate be associated with him in studies and consideration of common problems.

C. CONCLUSIONS

(1) *Progress has been made on the twelve proposals*

Progress has been made in the acceptance of an increasing number of the twelve proposals for an agreement on demilitarization. On 15 October 1951 in his first report, the United Nations Representative reported to the Security Council that the two Governments had accepted four of the twelve proposals. On 19 December 1951, in his second report, he reported to the Security Council that four more of the twelve proposals, or a total of eight, had been accepted by both Governments.

He can now report acceptance, by Pakistan, of the remaining four proposals, with certain qualifications regarding the character of forces to be demilitarized. India maintains that if agreement can be reached on the issues of the number and character of forces to be left on each side of the cease-fire line, the other two remaining differences (i.e., the period of demilitarization and the induction into office of the Plebiscite Administrator) can be solved without difficulty.

The chief remaining obstacle is the difference over the number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization.

(2) *Progress has been made in demilitarization*

- (a) Substantial withdrawals of forces from the State of Jammu and Kashmir have been made from time to

time by both India and Pakistan since the cease-fire on 1 January 1949.

- (b) In response to discussions about further withdrawals of military forces from the State, the Government of India has, in addition, decided to withdraw unconditionally one division, with supporting armour. It estimates this to total 18,000 men.
- (c) With such withdrawals, it appears that the Governments of India and Pakistan will have both withdrawn over 50 per cent of their forces from the State.
- (d) The Government of India has decided to withdraw to distances varying from 70 to 450 miles from the western Indo-Pakistan border, the forces which were moved up near that border last summer.
- (e) The withdrawals referred to in sub-paragraphs (b) and (d) above are now in process of execution.
- (f) The Government of Pakistan has indicated that most of its forces that were moved to the western Indo-Pakistan border during the past summer have been withdrawn to their peace-time stations.

(3) *Interdependence of the two resolutions*

Part II of the 13 August 1948 resolution and sub-paragraphs 4 (a) and (b) of the 5 January 1949 resolution have been connected by the Governments of India and Pakistan and are inter-dependent on questions of demilitarization. Part II of the resolution of 13 August 1948 and the resolution of 5 January 1949, as a whole, are inter-dependent on requirements relating to the preparation of a plebiscite.

(4) *Concerning further procedures*

The United Nations Representative should have in mind the considerations set forth in this report. In the future, the United Nations Representative, in addition to the assistance to

be provided by his civilian and military advisers, intends to take note of the view of the Plebiscite Administrator-designate on those problems which have a bearing on their common responsibilities. This consultation should be without prejudice to the question of the formal induction into office of the Plebiscite Administrator-designate, which should be a result of the further negotiations.

(5) Urgent need of a settlement

The need is urgent for the settlement of the dispute between India and Pakistan concerning the State of Jammu and Kashmir. This dispute has been before the Security Council for over four years. More than three years ago the two Governments accepted the 13 August 1948 and the 5 January 1949 resolutions of the United Nations Commission for India and Pakistan. A settlement is important not only for the sake of approximately 4 million people in the State of Jammu and Kashmir, but also for the sake of over 400 million people in India and Pakistan, whose peaceful progress is of vital importance for the peoples of the world.

Part III **RECOMMENDATIONS**

Accordingly, the United Nations Representative recommends :

(1) That, taking notice of the progress made in the demilitarization of the State of Jammu and Kashmir through withdrawals of forces from both sides of the cease-fire line, the Governments of India and Pakistan refrain from taking any action which would augment the present military potential of the forces in the State.

(2) That the Governments of India and Pakistan, taking into account their agreements under the UNCIP resolutions and their acceptances under the twelve proposals, should :

- (a) Continue their determination not to resort to force and to adhere to peaceful procedures : and to follow faithfully their agreement to instruct their official spokesmen and to urge all their citizens not to make statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir (twelve proposals, paragraphs 1 and 2).
- (b) Observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949 (twelve proposals, paragraph 3).
- (3) That the Governments of India and Pakistan, as a means of further implementing the resolutions of 13 August 1948 and 5 January 1949, should undertake by 15 July 1952 further to reduce the forces under their control in the State of Jammu and Kashmir.
- (4) That the United Nations Representative's negotiations with the Governments of India and Pakistan be continued with a view to :
 - (a) Resolving the remaining differences on the twelve proposals, with special reference to the quantum of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and
 - (b) The general implementation of the UNCIP resolutions of 13 August 1948 and 5 January 1949.

D. FOURTH GRAHAM REPORT OF THE SECURITY COUNCIL (*Original Text, 19 September 1952*)

Introduction

In accordance with his letters of 29 May and 30 July 1952 to the President of the Security Council [*S/2649 and S/2727*] the United Nations Representative for Indian and Pakistan wishes to inform the Security Council regarding (a) negotiations

carried out in agreement with the Governments of India and Pakistan from 29 May to 16 July 1952 in New York, and (b) the Conference held at ministerial level from 26 August to 10 September 1952 in Geneva.

This report should be read in connexion with the first, second and third reports of the United Nations Representative.

This report is divided into three parts. Part I deals with the negotiations held in New York in United Nations Headquarters from 29 May to 16 July 1952. Part II deals with the Conference held in Geneva in the European Office of the United Nations, from 26 August to 10 September 1952, Part III sets forth certain conclusions.

The United Nations Representative has been assisted during the negotiations and the Conference by the following staff :

Mr. Miguel A. Marin, Principal Secretary ;

General Jacob L. Devers, Military Adviser ;

Mr. Elmore Jackson, Political Affairs Officer, Personal Assistant to Dr. Graham ;

Colonel Joy Dow, Commissioner Aide to the Military Adviser ;

Miss Louise Crawford, Secretary ;

Miss Odette Goldmuntz, Secretary ;

Miss Barbara Henne, Secretary.

In addition Mr. David Blickenstaff of the Executive Office of the Secretary-General was assigned to assist the mission during the Conference in Geneva.

I

NEGOTIATIONS IN NEW YORK FROM 29 MAY TO 16 JULY 1952

These negotiations were participated in on the part of India by :

Mr. Rajeshwar Dayal, Minister, Permanent Representative of India to the United Nations ;

Mr. B. Rajan, Adviser ;
 Brig Gen. Banerji, Military Adviser ;
 Mr. P.K. Bannerjee, Adviser ;

and on the part of Pakistan by :

Professor Ahmed S. Bokhari, Ambassador, Permanent Representative of Pakistan to the United Nations ;

Mr. M. Ayub, Adviser ;

Lt. Col. Mohammed Iqbal Khan, Military Adviser.

On 29 May 1952 a joint meeting took place under the chairmanship of the United Nations Representative in which he made a statement outlining the procedure he intended to follow (annex 1).

The following points of that statement may be underlined :

- (a) The negotiations would proceed under the terms of reference as laid down by the Security Council in the resolution of 30 March 1951 [S/2017/Rev. I] in connexion with the resolution of 10 November 1951 [S/2392] as well as the debates in the Security Council on the matter.
- (b) The negotiations should continue without prejudice to any action that the Security Council might take on the United Nations Representative's third report. He would inform the President of the Security Council of the resumption of negotiations and he would report on their outcome to the Security Council.

The representatives of India and Pakistan on behalf of their Governments agreed to the procedure outlined by the United Nations Representative, with the reservation on the part of the representative of India that he could not agree that the negotiation should proceed under the terms of the resolution of the Security Council of 30 March 1951, which the Government of India had not been able to accept. Both

representative expressed their earnest desire to promote a peaceful settlement of the dispute by negotiation.

The United Nations Representative then invited the representatives of the two Governments to state their position in the light of his third report and suggested that thereafter he would proceed in accordance with the fourth recommendation set forth in that report [S/2611, para. 51] :

"That the United Nations Representative's negotiations with the Governments of India and Pakistan be continued with view to :

"(a) Resolving the main differences on the twelve proposals, with a special reference to the cease-fire line at the end of the period of demilitarization ; and

"(b) The general implementation of the UNCIP resolutions of 13 August 1948 and 5 January 1949".

The United Nations Representative added that he would, at all times, welcome suggestions from either Government directed towards this end and the solution of the dispute.

During the negotiations, consideration was given to certain terms of military significance used in the twelve proposals and the UNCIP resolutions, about which there had been a difference in interpretation.

The Military Adviser of the United Nations Representative, General Jacob L. Devers, met jointly and separately with the Military Advisers of the representatives of India and Pakistan. The following definitions were agreed as representing the points of view of the respective Governments :

1. *On the meaning of word "bulk" ;*

- (a) It does not have a precise military meaning, and
- (b) As used in sub-paragraph 7 (b) (ii) of the twelve proposals and in section B, paragraph 1 of part II of the 13 August resolution, it is interpreted, on

the Indian part as referring to the majority of, and on the Pakistan part as referring to most of, the Indian forces.

2. On the meaning of the term "State armed forces" :

The term "State armed forces" referred to in sub-paragraph 4 (a) of the 5 January 1949 resolution, as well as in sub-paragraph 7 (b) (ii) of the twelve truce proposals is interpreted by India as referring solely to what was, at the time of the acceptance of the 5 January 1949 resolution, the Maharaja's State armed forces. The Government of India states that forces have now been integrated with the India Army for purposes of operational control, but not in regard to internal administrative matters. In the view of the Government of India the term "State armed forces" cannot be interpreted to include the Jammu and Kashmir Militia either today, or at the time of the acceptance of the 5 January 1949 resolution. The phrase "State armed forces" is interpreted by the Government of Pakistan as referring to the Kashmir State Forces and the Jammu and Kashmir Militia. The Government of Pakistan understands that the Kashmir State Forces and the Jammu and Kashmir Militia are now under the operational control of the Indian Army.

3. On the number of forces on 1 January 1949 :

Based on ration returns, the number of combatant forces on 1 January 1949, when the cease-fire took effect, was as follows :

- (a) On the Indian side, according to India, 130,000 troops, and
- (b) On the Pakistan side, according to Pakistan, 81,000 troops.

No agreement was reached on these respective estimates.

During this period, meetings took place jointly and separately at the representative and advisory level. The course

of the negotiations brought the United Nations Representative to the conclusion that the appropriate step was for him to introduce for consideration, in a meeting at ministerial level a new draft of his twelve proposals in which some of the paragraphs were revised in the light of the recent discussions.

To this effect, the United Nations Representative held a joint meeting on 16 July 1952 with the representative of India and Pakistan in which he made a statement [annex 2] and introduced the proposals [annex 3] that he would submit formally at the conference referred to in the statement.

In paragraph 8 of his statement the United Nations Representative suggested that it would be more useful if his revised proposals were discussed between the representatives of the two countries at ministerial level in such a way that "not only these proposals may be considered, but, if necessary, also the general implementation of the two resolutions together with any suggestions the parties may wish to make". Paragraph 10 suggested the procedure that he would follow. The agenda of the meeting of the conference would be "Implementation of the UNCIP resolutions of 13 August 1948 and 5 January 1949".

The Government of India and Pakistan communicated to the United Nations Representative their acceptance of the suggestion for such a conference. Thereafter, Geneva was selected as the place.

II

CONFERENCE IN GENEVA FROM 26 AUGUST TO 10 SEPTEMBER 1952

The Conference took place in the European Office of the United Nations in Geneva from 26 August to 10 September 1952.

The delegations of India and Pakistan were composed as follows :

India :

Mr. Gopalaaswami Ayyangar, Leader, Minister for Defence, Leader of the Upper House ;

Mr. D. P. Dhar, Adviser, Deputy Minister, Government of Jammu and Kashmir ;

Major General K. S. Thimayya, Military Adviser ;

Mr. V. Shankar, Adviser, Joint Secretary, Ministry of Defence ;

Mr. B. Sharma, Adviser, Principal Information Officer ;

Pakistan :

Sir Mohammad Zafrulla Khan, Leader, Minister for Foreign Affairs ;

Mr. M. Ayub, Secretary-General ;

Major General K. M. Sheikh, Senior Military Adviser ;

Brigadier Altaf Quadir, Adviser ;

Lt. Colonel M. Iqbal Khan, Adviser.

REVISED PROPOSALS OF 16 JULY AND 2 SEPTEMBER 1952

The Conference may be divided into two different stages. The first stage began with the opening statement by the United Nations Representative [*annex 4*] and the subsequent discussion of the revised proposals [*annex 3*]. Paragraph 7 of these proposals suggested brackets of 3,000 to 6,000 armed forces on the Pakistan side of the cease-fire line and an Indian army force of 12,000 to 18,000 on the Indian side of the cease-fire line. The United Nations Representative suggested that an effort be made to reach agreement within these brackets, on the number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization. Joint meetings and separate conversations took place at the representative and advisory level.

As a result of these meetings and conversations, in a joint meeting on 2 September the United Nations Representative submitted a new draft of his proposals [annex 7] suggesting in sub-paragraph 7 (a) (iii) and 7 (b) (ii) a minimum force of 6,000 on the Pakistan side of the cease-fire line, and of 18,000 on the Indian side. The United Nations Representative made it clear that in this draft, as in the draft of 16 July 1952, these figures did not include the Gilgit and Northern Scouts on the Pakistan side of the cease-fire line, and the State militia on the Indian side of the cease-fire line.

In addition to suggesting definite minimum figures, this draft, in a provisional clause attempted to accommodate the concern expressed during the conversations that the agreement should not come into effect until the programme (schedule of demilitarization had been agreed upon in a subsequent meeting between representatives of India and Pakistan and approved by the two Governments).

On 3 September it appeared that no agreement could be secured on the basis of the figures proposed, either within the brackets suggested for discussion in the 16 July 1952 proposals, or on definite numbers as in the 2 September 1952 proposals.

The position of the two Governments on the main issues as stated by their representatives was set forth in memoranda submitted to the United Nations Representative [annexes 5 and 6] and can be summarized as follows :

(A) Character and quantum of forces to remain on each side of the cease fire line

The character and quantum of forces should be considered in connexion with sub-paragraphs 7 (a) (iii) and 7 (b) (ii) and paragraph 11 of the revised proposals submitted by the United Nations Representative to the Governments of India and Pakistan on 16 July and 2 September 1952.

Position of India [annex 5] :

(a) *On the Indian side of the cease-fire line :*

- (i) The Government of India maintains that it is constitutionally responsible for the defence of the State of Jammu and Kashmir, which includes aid to the civil power ;
- (ii) According to sub-paragraph 4 (a) of part II of the UNCIP resolution of 13 August 1948, the Government of India must have the minimum forces required to assist the local authorities, i.e., the Government of Jammu and Kashmir, on the Indian side of the cease-fire line, in the maintenance of law and order. India considers that UNCIP itself interpreted this to include adequate defence. Under sub-paragraph 4 (a) of the UNCIP resolution of 5 January 1949, the disposal of Indian and State armed forces on the Indian side of the cease-fire line has to be with due regard to security, which, according to the Government of India, has a wider significance than law and order.
- (iii) Having regard to these commitments of internal and external security, the responsibilities under the cease-fire agreement and the fact that Pakistan would be free to locate its forces as it likes within its own borders, which for some length are common with the borders of the Jammu and Kashmir State and for a still greater length within practically striking distance of the cease-fire line and important areas of the Jammu and Kashmir State, the Government of India considers that a minimum force of 28,000 is required.
- (iv) However, on complete disbandment and disarmament of the *Azad* Kashmir forces and as a further gesture towards a settlement, it is

prepared to effect a further reduction of 7,000 but it is impossible to reduce this absolute minimum figure of 21,000. The Government of India will under no circumstances be prepared to include the militia in these calculations. The militia is a special armed police force which is under the administration of the Jammu and Kashmir Government for its normal law and order responsibilities and is only temporarily, for the period of emergency, under the operational control of the Indian Army.

(b) *On the Pakistan side of the cease-fire line :*

- (i) The Government of India maintains that the administration of this area would, under paragraph 3 of Part II of the UNCIP resolution of 13 August 1949, vest in local authorities to be established or recognized for the purpose ; to these local authorities under the same resolution only local administrative functions have been assigned. In the very nature of things such authorities can be in charge only of local law and order whether in the area or with reference to the cease-fire line. To give them any armed force equivalent to troops would not be consistent either with their status or with their functions and would be a violation of the sovereignty of the Union of India and the Jammu and Kashmir State. In the very nature of things, therefore, these local authorities can be entrusted only with a civil armed force.
- (ii) The Government of India considers that a civil armed force of 4,000 would be on the liberal side, considering the pre-aggression strength of forces policing this area. However, it would be

prepared to consider an appropriate increase to provide for the needs of the Northern Areas or should the United Nations Representative, under whose surveillance these forces would be operating, make out a case that this strength is inadequate.

- (iii) Having regard to the functions these forces are to discharge and the conditions of a fair and impartial plebiscite, these forces should consist of an equal proportion of *Azad* Kashmir and other elements. The Government of India would be prepared to agree to a suitable re-adjustment of the armed and unarmed portion of this force.
- (iv) The civil armed force should be under neutral and local officers.

Position of Pakistan [annex 6] :

- (i) The Government of Pakistan maintains that security on each side of the cease-fire line has to be ensured and neither side should be able to steal a march against the other, but the over-riding consideration is that neither India nor Pakistan should be placed in a position to intimidate the population and influence their vote in the plebiscite. India cannot be the sole judge of the steps needed to ensure the security of the State. During the plebiscite stage, the United Nations Representative and the Plebiscite Administrator, in accordance with the 5 January 1949 UNCIP resolution, have the right to determine, in consultation with the authorities concerned, the final disposal of all the forces remaining in the State of Jammu and Kashmir, "such disposal to be with due regard to the security of the State and the freedom of the plebiscite".

- (ii) The Government of Pakistan considers that after the processes outlined in clause 7 of the United Nations Representative's proposals of 16 July 1952 [annex 3] have been carried out, there should remain on each side of the cease-fire line only the minimum forces necessary for the maintenance of law and order and the preservation of the cease-fire line. The character of the forces must be the same on both sides of the cease-fire line.
- (iii) In regard to the figures established by the United Nations Representative in clause 7 of his proposals of 2 September 1952 [annex 7], the Government of Pakistan considers that it leaves too many soldiers in the State. Before partition, they add, the Maharaja's Government managed with less than a quarter of the forces suggested by the United Nations Representative—8,000 as against 33,500. The ratio of the forces proposed is also unfair to Pakistan considering the ratio on the date of the cease-fire.
- (iv) Subject to these observations, the Pakistan delegation was prepared to accept the proposals of 2 September 1952 of the United Nations Representative.

(B) Final disposal of forces

Connected with the character and quantum of forces is the question of the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set out in sub-paragraphs 4 (a) and (b) of the UNCIP resolution of 5 January 1949.

Position of India [annex 5] :

The Government of India contends that the term "final disposal" in sub-paragraph 4 (a) of the UNCIP resolution of 5 January 1949 means only disposition. Moreover, once it is

accepted in principle that the demilitarization contemplated under the resolutions of 13 August 1948 and 5 January 1949 should be effected in a single continuous process, no interference with the strength of forces in the State is possible at the plebiscite stage. Furthermore, if the matter of the reduction or withdrawal of forces at the plebiscite stage (according to the Pakistan Government's interpretation of sub-paragraphs 4 (a) and (b) of the resolution of 5 January 1949) is brought into the demilitarization stage, the process of demilitarization must be deemed to have exhausted itself and the United Nations Representative and the Plebiscite Administrator can in the plebiscite stage, deal only with the question of disposition.

Position of Pakistan [annex 6] :

The Government of Pakistan maintains that the term "final disposal" covers reduction by withdrawal or disbandment as well as location or stationing of the armed forces concerned. If it is contended that "final disposal" means only the location or stationing of the forces then there is by the same token no provision in the UNCIP resolutions for the reduction or disbandment of the *Azad Kashmir* forces.

(C) Induction into office of the Plebiscite Administrator

Position of India [annex 5] :

The Government of India's view is that the Plebiscite Administrator can properly function only after (i) the process of demilitarization is completed and the United Nations Representative is satisfied that peaceful conditions have been restored and (ii) the local authorities are recognized and are functioning on the Pakistan side of the cease-fire line under the surveillance of the United Nations Representative. In the interests of agreement, however, the Government of India would be prepared to agree to his induction on the last day of the period of demilitarization provided that it is completed according to plan and is exhaustive so that the Plebiscite

Administrator would, as regards the forces remaining in the State after demilitarization is fully implemented, be concerned only with their disposition.

Position of Pakistan [annex 6] :

Under the UNCIP resolution of 5 January 1949, the Plebiscite Administrator has to be inducted into office as soon as the tribesmen, Pakistan volunteers and the Pakistan Army and the bulk of the Indian Army have withdrawn. The proposal of the United Nations Representative that the Plebiscite Administrator should be appointed not later than the last day of the demilitarization programme represents in the opinion of the Government of Pakistan a big concession to the Indian point of view. Nevertheless, Pakistan is prepared to accept it as part of the twelve truce proposals suggested by the United Nations Representative.

DRAFT PROPOSALS OF 4 SEPTEMBER 1952

The second stage of the Conference began on 4 September 1952. The United Nations Representative was faced with the objections of the two Governments to essential parts of his proposals as revised on 16 July and 2 September. As he had stated before, these objections derived mainly from the different conceptions that the Government of India and Pakistan had of their status in the State of Jammu and Kashmir [S/2375, paras. 33-35] as well as the different interpretations that they give to the UNCIP resolutions of 13 August 1948 and 5 January 1949. As it was not possible under the circumstances to secure agreement on the minimum forces to be left on each side of the cease-fire line, the United Nations Representative thought it might be possible for the two Governments to agree on some principles based on the requirements of each side of the cease-fire line. These principles could then serve as the criteria for fixing the quantum of forces in the conference of civil and military representatives contemplated in the provisional clause of the revised proposals of 2 September.

The United Nations Representative accordingly submitted a new draft proposal [annex 8] in a joint meeting on 4 September 1952. Paragraph 7 of these proposals reads as follows :

"Agree that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be :

"(a) *On the Pakistan side of the cease fire line :*

"(i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn ;

"(ii) The Pakistan troops will have been withdrawn from the State ;

"(iii) Large-scale disbanding and disarmament of the Azad Kashmir forces will have taken place ; so that at the end of the period of demilitarization there shall be the minimum number of forces that are required for the maintenance of law and order and of the cease fire agreement with due regard to the freedom of the plebiscite ;

"(b) *On the Indian side of the cease-fire line :*

"(i) The bulk of the Indian force in the State will have been withdrawn ;

"(ii) Further withdrawals or reductions, as the case may be, of the Indian and State armed forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out : so that at the end of the period of demilitarization there shall be the minimum number of Indian forces and State armed forces that are required for the maintenance of law and order and the cease-fire

agreement, with due regard to the security of the State and the freedom of the plebiscite".

The responses of the representatives of India and Pakistan were as follows :

Position of India [annex 5] ;

The Government of India considers that "the principles enumerated in sub-paragraph 7 (a) (iii) and 7 (b) (ii) of the proposals of 4 September 1952 were conceived in the right spirit having regard to the two UNCIP resolutions. As a basis for the evolution of a suitable definition of functions of forces on both sides of the cease-fire line, they contained the terms of a settlement." The Government of India maintains that it cannot accept any equation of its responsibilities with the local authorities on the Pakistan side of the cease-fire line or agree to anything more than a local character to the maintenance of public order in that area by the local authorities. Constitutionally the defence of the entire State of Jammu and Kashmir is the concern of the Government of India and it alone is entitled to maintain a military armed force for the purpose. India maintains that this is the only position consistent with the assurance given by the Commission and the practice observed hitherto by the United Nations authorities of giving recognition to the sovereignty of the Indian Union and the State which derived originally from the Instrument of Accession and has since been embodied in the Constitution of India.

Position of Pakistan [annex 6] :

The Government of Pakistan fully agreed with the United Nation Representative that every effort should be made at the Geneva Conference 'itself to agree on the number and character of forces which should remain on each side of the cease-fire line at the end of the demilitarization programme. Failing this, Conference should at least agree on

the guiding principles for determining the number and character of forces. The Pakistan delegation felt that the words "with due regard to the freedom of the plebiscite" used in subparagraph 7 (a) (iii) and the phrase "with due regard to the security of the State and the freedom of the plebiscite" used in sub-paragraph 7 (b) (ii) of the draft proposals should be deleted. The object of this amendment was to avoid the recurrence in the Military Sub-Committee of the political controversies which had held up progress in the main Conference itself. If this proposals had been accepted, Pakistan would not have insisted on further reduction of forces under paragraphs 4 (a) and (b) of the January 1949 resolution, and would have been satisfied with the disposition of all remaining forces by the United Nations Representative and the Plebiscite Administrator, in consultation with the respective authorities, and with due regard to the security of the State and the freedom of the plebiscite.

Subject the above observations, and some drafting changes, the Pakistan delegation was prepared to accept the United Nations Representative's draft proposals of 4 September 1952.

The revised proposals of 4 September were agreed upon by the representatives of India and Pakistan to the following extent :

- (i) Paragraphs 1, 2, 3, 4, 5, 6, 7, (a) (ii), 7 (b) (i), 8, 9, 10, 12, and the provisional clause ; with the redrafting of paragraphs 5, 6 and 9 as follows :

"5. Agree that the demilitarization of Jammu and Kashmir contemplated in the United Nations resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single continuous process ;

"6. Agree that this process of demilitarization shall be completed during a period of 90 days, starting from the date on which the programme of demilitarization referred to in paragraph 7 below is approved by the Governments of India

and Pakistan, unless another period is decided upon by the two Governments ;

“... ”

“9. *Agree* that pending a final solution the territory evacuated by Pakistan troops will be administered by the local authorities under the surveillance of the United Nations. Effect shall be given to this by the time the process of demilitarization mentioned in paragraph 6 has been completed on both sides of the cease-fire line.”

- (ii) Concerning paragraph 12 the representative of India accepted it with the understanding that the differences referred to the United Nations Representative should be only on technical details referring to the actual implementation of the agreed programme.
- (iii) In regard to sub-paragraphs 7 (a) (iii) and 7 (b) (ii) the remaining difference in position of the representatives has been stated in paragraph 25.
- (iv) Paragraph 11 of the proposals was deleted, to be substituted with another one to be agreed upon by the two representative, connected with the definite wording of paragraph 7 and with the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator in accordance with sub-paragraphs 4 (a) and (b) of the UNCIP resolution of 5 January 1949.

III CONCLUSIONS

In his third report, submitted on 22 April 1952, the United Nations Representative recommended [*S/2611, para. 51*] that the negotiations with the Governments of India and Pakistan be continued with a view to:

“(a) Resolving the remaining differences on the twelve proposals, with a special reference to the quantum of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and

“(b) The general implementation of the UNCIP resolutions of 13 August 1948 and January 1949.”

The agenda of the Geneva Conference was the implementation of the UNCIP resolutions of 13 August 1948 and 5 January 1949. The meetings began with the examination of the revised [*annex 3*] draft proposals of 16 July 1952 and continued with discussion of the subsequent redrafts.

After two weeks of discussion it was evident that agreement could not be reached at this Conference on any of the revised drafts presented for consideration. The positions of the two Governments on the main issues were such that the contemplated examination [*annex 2, para. 8*] of the resolution of 13 August 1948 and 5 January 1949 resolution by resolution and paragraph by paragraph, did not appear to be a useful further line of approach. The possibility envisaged by the United Nations Representative, in his statement of 16 July 1952 [*annex 2, para. 8*], discussion of any further suggestions that the representatives of the two Governments might wish to make did not arise during the Conference and no alternative suggestions were made.

The United Nations Representative on his part, has limited himself to carrying out his mediatory functions under the terms of reference given him by the Security Council.

The Security Council is familiar with the dispute between India and Pakistan on the State of Jammu and Kashmir. It has been before the Security Council since January 1948. The present positions of the two Governments are derived from their differing conception of their status in the State [*S/2375, paras. 23-36*]. This more than anything else is the origin of

their different interpretations with regard to their commitments.

These conceptions have been stated repeatedly by both Governments during the discussions in the Security Council and during the negotiations with the UNCIP, with General A. G. L. Mc Naughton and with Sir Owen Dixon.

Growing out of the basic difference in the interpretation of the two Governments regarding their status and commitments under the 13 August 1948 and 5 January 1949 resolutions of the UNCIP, is their difference over the character and number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization.

Demilitarization, as a condition for the induction into office of the Plebiscite Administrator, is but one of the important steps necessary in the preparation for the plebiscite.

The heart of the integrated programme for demilitarization and the plebiscite, is the induction into office of the Plebiscite Administrator. This was made a central part of the twelve proposals, original and revised.

The preparations for, and the holding of, the plebiscite follow upon the induction into office follows upon the solution of the crucial problem of the character and number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization. For the solution of this problem the United Nations Representative, after submitting brackets of figures within which discussion might proceed, later suggested to the parties in the Geneva Conference definite figures. Then, alternatively, he suggested criteria for establishing definite figures on the basis of the functions and requirements on each side of the cease-fire line.

The present United Nations Representative has been instructed to secure an agreement on a plan of demilitarization under the two resolutions, and, in case of no agreement, to report the remaining differences thereon to the Council. He

has made three reports to the Council which have narrowed the problem down to what appears to be the prerequisite for an agreement on a plan of demilitarization, namely, agreement on the number and character of forces to remain on each side of the cease-fire line at the end of the period of demilitarization.

The United Nations Representative holds the view that for reaching an agreement on a plan of demilitarization it is necessary either :

- (a) To establish the character and number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization : or
- (b) To declare that the forces to remain on each of the cease-fire line at the end of the period of demilitarization should be determined in accordance with the requirements of each area, and, accordingly, principles or criteria should be established which would serve as guidance for the civil and military representatives of the Governments of India and Pakistan in the meeting contemplated in the Provisional Clause of the revised proposals.

E. FIFTH GRAHAM REPORT TO THE SECURITY COUNCIL (*Original Text*, 27 MARCH 1953)

Introduction

In previous reports and statements to the Security Council, the United Nations Representative has reviewed the background, the content and the steps in the acceptance of the twelve proposals for a plan of demilitarization of the State of Jammu and Kashmir, first submitted to the Governments of India and Pakistan on 7 September 1951.

This report should be read in connexion with the first [S/2375/Rev. 1] second [S/2448], third [S/2611] and fourth [S/2783] reports of the United Nations Representative.

We shall in this report not review again the twelve proposals as a whole but shall concentrate on proposal seven. Differences over proposal seven continue on two issues (1) the number and (2) the character of the forces to be left on the two sides of the cease-fire line at the end of the period of demilitarization. In his efforts to assist the two Governments to reach an agreement the United Nations Representative has made six suggestions for the negotiation of the parties, including the latest exploratory suggestions made in Geneva. In reviewing these suggestions and the present situation the report will be in five parts.

Part I will review the suggestions regarding proposal seven ; part II will point out the values of the induction of the Plebiscite Administrator into office at an early fixed time : part III refers to assurances and elucidations regarding the 13 August 1948 and 5 January 1949 resolutions ; Part IV will summarize the negotiations since the meeting of the Security Council on 23 December 1952 [611th meeting] ; and part V will emphasize the importance to the people of the State, the two nations, and the world of an agreement on the Kashmir dispute.

I

A. THE SUGGESTIONS ON PROPOSAL SEVEN REGARDING THE NUMBER AND CHARACTER OF FORCES

Early in his consultations with the two Governments on the sub-continent in July and August 1951, the United Nations Representative found (1) that the Government of India maintained that there should remain in the territory to be evacuated by the Pakistan army a civil force ; and (2) that the Government of Pakistan maintained that after withdrawals and reductions there should, in general, be a military balance on the respective sides. In an effort to discover whether there were circumstances under which one or the other of these

positions could become the basis of an agreement, the United Nations Representative made certain suggestions to the two Governments as a basis for their negotiation.

The first proposals were made on 7 September 1951. Proposal seven read as follows :

Agree that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be :

“(a) *On the Pakistan side of the cease-fire line :*

- “(i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn ;
- “(ii) The Pakistan troops will have been withdrawn from the State, and
- “(iii) Large-scale disbandment and disarmament of the *Azad Kashmir* forces will have taken place.

“(b) *On the Indian side of the cease-fire line :*

- “(i) The bulk of the Indian forces in the State will have been withdrawn :
- “(ii) Further withdrawals or reductions, as the case may be, of the Indian and State Armed forces remaining in the State after the completion of the operation referred to in (b) (i) above will have been carried out ; “so that at the end of the period referred to in paragraph 6 above there will remain on the present Pakistan side of the cease-fire line a force of.....civil armed forces, and on the Indian side of the cease-fire line a force of.....”

In response to this proposal, the Prime Minister of India, on 11 September 1951, stated *inter alia* :

".....the Government of India will retain on its side of the cease-fire line in Jammu and Kashmir, one line of communication area headquarters and one infantry division (normal) but of four brigades of four battalions each, at the end of the period agreed upon in terms of paragraphs 6 and 9 of the proposals, provided that the operations described in sub-paragraphs 7 (a) (i), (ii) and (iii) of the proposals have been completed by the end of that period. Thus much more than the 'bulk of Indian forces in the State' will have been withdrawn, and I wish to emphasize that the forces left behind will be wholly inadequate to resist any large-scale aggression. Effective measures to prevent such aggression will, it is presumed, be taken by Pakistan."

The Prime Minister of India in the same letter further stated :

"As regards the civil armed forces to be maintained on the Pakistan side of the cease-fire line at the end of the period agreed upon in terms of paragraph 6 and paragraph 9, the Government of India would agree to a force of 4,000 organized, equipped and composed as recommended to UNCIP in item C of the memorandum transmitted to Mr. Lozano under cover of letter No. 248-PASG/49 dated 13 April 1949, by their Secretary-General in the Ministry of External Affairs.

The Prime Minister of Pakistan on 12 September 1951 stated, *inter alia*, that his Government

".....considers that a force of not more than four infantry battalions (with the necessary administrative units) should remain on each side of the cease-fire line at the end of the demilitarization programme envisaged in paragraph 7. These figures are based on a careful consideration of all relevant factors such as area, terrain, size and distribution of population on the two sides of the cease-fire line.

"The Pakistan Government is, however, of the view that so long as the forces on each side of the cease-fire line are of the order indicated above, some slight difference in the strength

or description of the two forces should not stand in the way of an agreement being reached."

In his statement to the Security Council on 17 January 1952 [570th meeting], the United Nations Representative summarized the positions of the two Governments as follows :

".....it should be noted that, as a result of these informal exploratory discussions at military level, India agreed to withdraw an additional 7,000 of its armed forces. This would bring the Indian and State armed forces down to 21,000 (exclusive of the State Militia of 6,000) which with the other reductions already made it seems would make a total reduction of over 75 per cent of the number of India and State armed forces present in the State at the time of the cease-fire on 1 January 1949.

"The representative of Pakistan indicated that any proportionate reduction, however, heavy, would be matched on the Pakistan-*Azad* Kashmir side of the cease-fire line as an interdependent part of a continuous process in the proposed programme of demilitarization.

"The official replies of India and Pakistan to the basic questions asked by the United Nations representative made formal the wide differences between the two Governments on the most basic questions.

"With the additional reduction of 7,000 armed forces, India held the position that at the end of the period of demilitarization there should be on the Indian side of the line 21,000 Indian and State armed forces, exclusive of the State Militia of 6,000 and there should be on the other side of the line a civil armed force of 2,000 and an unarmed civil force of 2,000, half of whom were not to be followers of *Azad* Kashmir, as specified above.

"Pakistan maintained that at the end of the period of demilitarization there should be approximately 4,000 armed forces on each side of the cease-fire line, but for the sake of agreement would accept a slight disparity in favour of India.

"The wide difference in the number of armed forces proposed by the two Governments to be left on each side of the cease-fire line at the end of the period of demilitarization made it clear that no agreement could be reached on proposal 7 at this time."

In his second report the United Nations Representative suggested for the consideration of the parties that proposal seven should be revised to provide that at the end of the demilitarization period :

".....there will remain on each side of the ceasefire line the lowest possible number of armed forces based in proportion on the number of armed forces existing on each side of the cease-fire line on 1 January 1949" [*S/2448, para. 32*].

Following this proposal a wide difference in the positions of the two Governments on proposal seven still persisted regarding the number and character of forces to be left at the end of the period of demilitarization.

In view of the continuing differences between the two Government, the United Nations Representative believed it might be useful if he made suggestions on numbers for the consideration of the parties in their negotiations.

In July 1952 the United Nations Representative suggested for the consideration of the two Governments that they attempt to agree on figures within the brackets of 3,000 to 6,000 armed forces on the territory to be evacuated by the Pakistan Army, and Indian Army forces of 12,000 to 18,000 on the Indian side. These figures did not include either the 3,530 Gilgit and Northern Scouts in the evacuated territory or the 6,000 State Militia on the Indian side.

In the Geneva conference in September 1952 the United Nations Representative suggested the definite figures of 6,000 and 18,000 for the respective sides, exclusive of the Scouts and the State Militia. This suggestion was followed by the suggestion that criteria be established by which definite

figures might be agreed upon at a military conference to be held after the signing of a truce agreement.

No agreement having been reached between the two Governments at the Geneva Conference or during the meetings of the Security Council held in October, November and 1952, the United Nations Representative, in the conference held in Geneva in February 1953, referred to in part IV below, suggested that the Governments consider for discussion the proposal mentioned therein.

While during the negotiations on paragraph seven there has been some narrowing of the gap between the positions of the two Governments on the question of the number and character of the forces to remain on each side of the cease-fire line at the end of the period of demilitarization, a substantial difference in position still remains.

**B. THE UNITED NATIONS REPRESENTATIVE,
AS A MEDIATOR, HAS MADE A SERIES OF SUG-
GESTIONS IN AN ATTEMPT TO DETERMINE
WHETHER A BASIS CAN BE FOUND FOR AN
AGREEMENT BETWEEN THE TWO GOVERN-
MENTS ON THE CHARACTER AND NUMBER
OF FORCES**

The United Nations Representative makes no preferential brief for the lower figures of 3,000 to 12,000 or the higher figures of 6,000 to 21,000. As a mediator whose responsibility has been to keep striving for an agreement he has hoped that a basis for the negotiation of an agreement might be found. He hoped, for example, that the figures 6,000 and 18,000 with the accompanying provisions would be found adequate for fulfilling the respective functions : in the evacuated territory, of preserving law order and the cease-fire line from violations ; and on the Indian side of the line, of preserving law and order and the cease-fire line from violations, including meeting the needs in relation to defence.

In the belief that there will be no deliberate and responsible violation of the cease-fire line from either side, it

is nevertheless important that there be alertness on both sides of the line against the possibility of attempted violation by any possible irresponsible elements.

It appears obvious that India under the two resolutions has some larger responsibilities on her side of the cease-fire line than the local authorities have in the evacuated territory on the other side of the cease-fire line.

Without recognition of the *Azad* Kashmir Government and without prejudice to the sovereignty of the State, it also appears obvious, by the nature of the cease-fire line and the temporary exercise of the necessary and useful functions of the local authorities, that (with the withdrawal of the tribesmen and of Pakistan nationals not normally resident therein who entered the State for the purpose of fighting, and with the withdrawal of the Pakistan Army and authority and the large-scale disarming and disbanding of the *Azad* Kashmir forces) there should be in the evacuated territory effective local authorities and effective armed forces. In the "*Azad* Kashmir" territory these armed forces would be organized out of the remainder of the *Azad* Kashmir forces without armour or artillery, and thereafter would be commanded by local officers under the local authorities, under the surveillance of the United Nations.

Proposal seven takes on much added significance because agreement on it would prepare the way for the induction of the Plebiscite Administrator into office at a definite time as provided in proposal ten of the twelve proposals.

II

The importance of the induction of the Plebiscite Administrator into office

It is timely that, with all our necessary concern over the issue of the number and character of the forces, we reorient this concern in the framework of the larger meaning of the

induction into office of the Plebiscite Administrator provided for in proposal ten.

Proposal ten has been accepted by Pakistan. India's acceptance of proposal ten is conditioned as set forth in annex V, paragraph 2, of the fourth report of the United Nations Representative [S/2683].

The difference over definite numbers, important as it is, looms less large than the difference between inducting and not inducting the Plebiscite Administrator into office. The transformation in the situation which comes from the simple fact of his induction into office is most important for the great objective of the self-determination of the State under the agreements between the two Governments. The cooperation of the appropriate authorities and agencies in the State, and the specified responsibilities of the Plebiscite Administrator all contribute to this objective. Facilitation of demilitarization gets much of its importance from the fact that it is a preliminary step in the facilitation of the plebiscite. Facilitation of the induction into office of the Plebiscite Administrator becomes an expression of the will to have a plebiscite.

The large values which would result from the induction into office of the Plebiscite Administrator may be recalled by reviewing the provisions of the 5 January 1949 resolution.

In connexion with the importance of the number of armed forces to be left at the end of the period of demilitarization and the importance of the induction into office of the Plebiscite Administrator, we should bear in mind the importance of the later consideration of where the armed forces would be at the time of the preparation and holding of the plebiscite.

Without anticipating the specified consultations of the United Nations Representative and the Plebiscite Administrator with the appropriate authorities and without prejudice to the meaning of the words "final disposal", proposal eleven of the twelve proposals provides :

"11. Agree that the completion of the programme of demilitarization referred to in the provisional clause below will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in paragraph 4 (a) and (b) of the 5 January 1949 resolution" [*Annex II to this report*].

III

Elucidations and assurances regarding the resolutions of 13 August 1948 and 5 January 1949

Differences between the two Governments regarding proposal seven on the number and character of forces, and regarding proposal ten on the induction of the Plebiscite Administrator into office, grow out of the basic differences in the approach of the Governments of India and Pakistan to the Kashmir dispute.

These basic differences in approach were set forth in the third report of the UNCIP [*S/1430/Rev. 1, paras. 197-276*], whose mediation with the two Governments had led to the cease-fire agreement.

These differences between the two Governments are reflected in their differing interpretations of the assurances and elucidations given by the UNCIP with respect to the resolutions of 13 August 1948 and 5 January 1949.

Certain of the basic assurances and elucidations which antedated the acceptance of the two resolutions, are set forth in annex I. These relate to (A) the *Azad* Kashmir forces; (B) defence and (C) local authorities and sovereignty.

In view of the remaining disagreements over the twelve-point plan of demilitarization under the agreed resolutions of 13 August 1948 and 5 January 1949, the United Nations Representative has been prepared at all times to receive any suggestions from the parties for the settlement of the dispute.

Any modification of these two agreed resolutions would, of course, have to be by agreement of the two Governments.

IV

A. CONVERSATIONS IN NEW YORK PRELIMINARY TO THE CONFERENCE IN GENEVA

These conversations were participated in, on the part of India, by Mr. Rajeshwar Dayal, Minister, Permanent Representative to the United Nations, and Mr. B. Rajan, Adviser ; and, on the part of Pakistan, by Mr. Mohammed Zafrulla Khan, Minister for Foreign Affairs, Mr. A. A. Khan, Adviser.

On 23 December 1953, following the presentation by the United Kingdom and the United States of America of the joint draft resolution [S/2839], the Security Council at the 611th meeting adopted a resolution [S/2883] which provided, *inter alia*, that :

"The Security Council

".....

"Endorses the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan ;

".....

"Urges the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the Indian side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1953 (annex

III of S/2783) such specific numbers to be arrived at bearing in such specific numbers to be arrived at bearing in mind the principles of criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (annex VIII of S/2783).

".....

"Requests the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution ; and further requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress."

It will be recalled that :

- (a) At the meeting of the Security Council of 23 December 1952 [611th meeting] referred to above, Mr. Menon, the representative of India, stated *inter alia* :

"The Government of India has already stated that it is unable to accept the draft resolution now before the Security Council. The Government of India is not prepared to be a party to any talks on the basis suggested in paragraph 7 of the draft resolution. With these explicit reservations, however, the Government of India would, in line with its readiness to explore all avenues leading towards a peaceful settlement, be prepared to join and continue in any talks in connexion with this dispute. If the Council, in its wisdom, still considers it useful or necessary to proceed with the draft resolution we can only profoundly regret its decision."

- (b) At another meeting of the Security Council held on 23 December 1952 [610th meeting], Mr. Zafrullah Khan, the representative of Pakistan, stated *inter alia* :

"I should like to state, once again, that we are prepared to go forward on the basis of the draft resolution now before the Security Council, subject to the suggestions which I made

when I last spoke and which might improve the situation, as well as the possibilities of reaching an agreement between the two sides”.

The United Nations Representative invited the representatives of India and Pakistan to meet on 12 January 1953 in the United Nations Headquarters in New York, in order to ascertain their attitudes towards a renewal of the negotiations. At that meeting and in those that followed it was evident that whereas the Government of Pakistan was prepared to comply with the resolution of the Security Council of 23 December 1952 and to enter into immediate negotiations on that basis, the Government of India remained unable to accept the resolution as the basis for the resumption of negotiations. However, the representative of India confirmed that India was prepared “to consider avenues of peaceful negotiations which did not violate the basic principles and standards of the two resolutions of the UNCIP”

Following upon these conversations, the Governments of India and Pakistan, on 23 January 1953, agreed that a meeting of representatives of the two Governments at ministerial level should be held under the auspices of the United Nations Representative for India and Pakistan in the European Office of the United Nations, Geneva, beginning 4 February 1953, for the purpose of continuing the negotiations,

“.....on the basis of the UNCIP’s resolutions of 13 August 1948 and 5 January 1949, bearing in mind the assurances, clarifications and elucidations given to the Governments of India and Pakistan by the UNCIP. This basis for the resumption of the negotiations will be without prejudice to a further consideration, should that become necessary, of the twelve proposals (of the United Nations Representative).”

It was agreed also that a communication be sent by the United Nations Representative to the President of the Security Council, informing the Council of the agreement.

B. CONFERENCE IN GENEVA FROM 4 TO 19 FEBRUARY 1953

The Conference took place in Geneva from 4 to 19 February 1953.

The delegations of India and Pakistan were composed as follows :

India :

Sir Girja Shankar Bajpai, Ambassador, Governor of Bombay, Leader

Mr. D.P. Dhar, Adviser

Mr. V. Shankar, Adviser

Mr. J. Kidwai, Adviser

Pakistan :

Mr. Mohammed Zafrulla Khan, Minister for Foreign Affairs, Leader

Mr. Aftab. A. Khan, Adviser

Major-General K. H. Shakh, Senior Military Adviser

Lieut. Colonel Mohammed Iqbal Khan, Junior Military Adviser

The Conference in Geneva may be divided into two different stages as follows ;

- (1) *Consideration of the UNCIP resolutions of 13 August 1948 and 5 January 1949*

The first meeting of the Conference took place on 4 February 1953 and was confined to discussion of the procedure to be followed. The United Nations Representative made a statement [see annex III to this report] in which he stated, *inter alia* :

"I should like to propose that we start with the examination of the resolution of 13 August 1948, part by part. In this way we may determine to what extent the resolution has

already been implemented; and define, as completely as possible, the obstacles which have until now impeded the implementation of those parts which have not yet been carried into effect. I hope that with regard to each of such obstacles it will be possible for the Governments concerned to indicate the conditions under which the obstacles might be removed."

It was agreed that (a) the discussion would start with the consideration of part I (Cease-fire order) of the resolution of the UNCIP of 13 August 1948, followed by part II (Truce agreement) of that resolution, and (b) the discussion of part II would be initiated with consideration of paragraph A, sub-paragraphs 1 and 2, and paragraph B, sub-paragraphs 1 and 2, and then, if agreement were reached on those points, examination of paragraph A, sub-paragraph 3, and B, sub-paragraph 3, would take place.

The representatives of India and Pakistan, assuming that part I (Cease-fire order) of the UNCIP's 13 August 1948 resolution had been implemented, began discussion of part II. After the two representatives had expressed their points of view, it was agreed that the discussion would be confined at least in the initial stages to the implementation of part II (Truce agreement) of the UNCIP resolution of 13 August 1948. The discussion was confined to paragraph A, sub-paragraphs 1 and 2, and paragraph B, sub-paragraphs 1 and 2, which read as follows :

UNCIP's resolution of 13 August 1948

"PART II

"Truce agreement

".....

"A

"1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material

change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

"2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

".....

"B

"1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in part II. A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

"2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist the local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary."

The positions of India and Pakistan in regard to the implementation of this part of the resolution were summarized by the two representatives as follows :

India

"As regards the implementation of B. 1 and 2 of Part II of the Resolution of the 13th August, 1948, India's position is that the *Azad* Kashmir forces cannot be differentiated from the Pakistan Army of which they are, for all practical purposes, an integral part, and that their numbers, equipment and efficiency constitute a threat to the security of the State. The implementation, therefore, by Pakistan of A. 1 and 2 of Part II of the resolution will not materially diminish this threat which is aggravated by the case with which, owing to the proximity of Pakistan's military cantonments, these forces could be quickly reinforced by the Pakistan army. So long as agreement regarding the complete disbanding and disarming of the *Azad* Kashmir forces is not reached, a truce agreement cannot create 'the conditions for a final settlement of the situation in the State of Jammu and Kashmir'. India is, therefore, unable to accept any reduction of its present forces except as part of an overall arrangement which includes not only the withdrawal of Pakistan troops, tribesmen and Pakistan nationals not normally resident in the State who have entered for the purpose of fighting but also agreement on the measures to be adopted for the complete disbanding and disarming of the *Azad* Kashmir forces" (see annex IV, appendix).

Pakistan

"It will be seen that under the resolution the withdrawal of Pakistan troops is contingent upon the withdrawal of the "bulk" of the Indian Army (clause B (1)). The UNCIP had explained that 'synchronization of the withdrawal of the armed forces of the two Governments will be arranged between the respective High Commands and the Commission'. (See paragraph 10 of appendix I to the Commission's letter dated 27th August 1948 to the Foreign Minister of Pakistan).

"It was reaffirmed by the Pakistan Delegation on 5 February 1953 that once a satisfactory truce agreement based

on the above principles was arrived at, the Government of Pakistan would proceed to fulfill all the obligations that devolved on it.

"The problem thus resolved itself into one of securing India's agreement to withdraw the 'bulk' of its forces from the State of Jammu and Kashmir as provided for in Part II of the 13 August 1948 resolution" [see annex V, memorandum, paras. 4 and 5].

The results of the meetings and conversations with the representatives separately on this approach led the United Nations Representative to the conclusion that agreement was not possible at that time between the two Governments on a truce agreement based solely on part II of the 13 August 1948 resolution and it appeared to him that the same difficulties that existed as early as 1949 were still the main obstacles in the way of carrying out the commitments embodied in part II.

The United Nations Representative did not feel he could continue this approach as the figures of troops proposed by the Government of India for the withdrawal of the bulk of their Army were not such as he could sponsor with Pakistan ; nor were the figures suggested by Pakistan negotiable with India.

It was clear to the United Nations Representative, that this approach would not lead to any fruitful result and, in accordance with the terms of reference agreed upon between the two Governments for the Conference, further consideration of the twelve proposals ensued.

(2) *Further consideration of the twelve proposals*

As the United Nations Representative has pointed out and as it was borne out in the last discussions in the Security Council, the main problem under the programme of demilitarization was the question dealt with under paragraph 7 of his twelve proposals, that is to say, the number and character of forces to remain on each side of the cease-fire line at the end of a period of demilitarization.

The United Nations Representative, having met separately with the representatives of India and Pakistan to discuss with each their positions on this important matter, presented on 14 February 1953 to the two representatives for discussion, proposals [*see annex II to this report*] which contained, *inter alia*, in paragraph 7 specific figures for the forces on each side of the cease-fire line at the end of the period of demilitarization. The revised text of paragraph 7 appears in annex II.

The positions of the representatives of India and Pakistan on these proposals were set forth in their communications of 17 February 1953 [*annexes IV and V to this report*].

[*For the position of India, see annex IV, memorandum.*]

[*For the position of Pakistan, see annex V, memorandum, para. 9.*]

After thorough consideration of these communications and further conversations with the representatives of India and Pakistan, the United Nations Representative felt that there was no ground left at that stage on which to continue the conference and therefore, in agreement with the two representatives, he decided to conclude it.

V

In view of the continuing disagreement, it is timely again to recall the value of an agreement to the people of (A) the State, (B) the two nations and (C) the world

A. VALUES TO THE PEOPLE OF THE STATE

The people of the State of Jammu and Kashmir have waited over four years for the fulfilment of the promise of a plebiscite under the two agreed UNCIP resolutions. The people in the East and the West look for an example from the top of the subcontinent in Jammu and Kashmir, that an agreement for a plebiscite will soon be fulfilled for and by the people of this most ancient, beautiful and historic state. Renewed physical and spiritual energies would be released by an agreed settlement of this dispute.

The meaning of this new freedom would shine across the earth from the top-most roof of the world, brightening the lives of the people in the hills and valleys, fields and forests, the homes and schools, mosques and temples, the shops and workplaces, beckoning near and far to all people struggling to be free.

B. VALUES TO THE PEOPLE OF THE TWO NATIONS

An agreement would have many positive values to India and Pakistan :

(1) The two Governments, without prejudice to their conceptions and claims, would by the reconciliation of their long maintained differences over Kashmir, take a decisive and co-operative step forward, rather than continuing to the point of possible catastrophe, a disagreement over the ways for the carrying out of these four-year-old agreements which provide for the determination by the people of Jammu and Kashmir of their relation to India and Pakistan.

(2) The dispute over Kashmir would be settled by a constructive peace and not by force of arms or the attrition of years, with their attendant international bitterness and their running sores drawing off the higher interests and energies of two peoples.

(3) Settlement of the Kashmir dispute might contribute to the settlement of the disputes over evacuee property and waterways, with all the meaning of these steps to the morale, and the productive programmes of these historic peoples, most ancient on the earth, yet youngest in the hopes and dreams of their new liberation, and most resolute in the faith and courage of their dedicated leadership.

C. VALUES TO THE PEOPLE OF THE WORLD

The universal yearning of the people for peace is today confronted with the high potentials of the world for war. The peoples of the sub-continent have an unprecedented opportunity

for providing the leadership, setting the example and mayhap turning the direction of human affairs, away from the tendencies to self-destruction, to the ways of self-determination, peace and co-operation. The settlement of the Kashmir dispute, with its implications for the 400 million people of the sub-continent, might set in motion the beginnings of a counter chain reaction of peace, production and hope. The warmth of human brotherhood may yet melt away the hard divisions between the peoples in their hopes for freedom and peace in the world.

Instead of the United Nations Representative continuing to report differences to the Security Council, may the leadership of over 400 million people, with the good will and assistance of the United Nations, join in negotiating and reporting an agreement on Kashmir and thereby light a torch along the difficult path of the people's pilgrimage towards peace.

Out of the East, the cradle of civilizations and the home of great spiritual faiths, would come again the example to the nations and the call to all peoples for demilitarization, self-determination, and co-operation in great programmes for education, health, production, and peace on all the earth.

3

Mr. Gunnar Jarring Report 1957

I

On 21 February 1957, at its 774th meeting, the Security Council adopted a resolution [S/3793] by which it requested its President for the month of February 1957, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, were likely to contribute towards the settlement of the India-Pakistan dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan. He was further requested to visit the subcontinent for this purpose and to report to the Security Council not later than 15 April 1957.

In pursuance of this resolution I proceeded to the subcontinent. I arrived in Karachi on 14 March 1957.

Discussions were held with the Government of Pakistan from 15 to 20 March, and again between 2 and 5 April; with the Government of India between 24 and 28 March and again between 6 and 9 April. Before departing from the subcontinent another conversation with the Government of Pakistan took place on 10 April. I departed from Karachi on 11 April.

The principal participants in these discussions were Mr. H. S. Suhrawardy, Prime Minister of Pakistan, Mr. Malik Firoz Khan Noon, Minister for Foreign Affairs and Commonwealth Relations, Mr. M. S.A. Baig, Foreign Secretary, and Mr. Din Mohammed, Adviser on Kashmir Affairs. The Government of India were represented by Shri Jawaharlal Nehru, Prime Minister and Minister for External Affairs, Shri V. K. Krishna Menon, Minister without Portfolio, Shri N.R. Pillai, Secretary-General of the Ministry for External Affairs, and Shri M. J. Desai Commonwealth Secretary.

In accordance with the first operative part of the Council's resolution, conversations were held exclusively with the representatives of the Governments of India and Pakistan.

It is a pleasure for me to report that the co-operation of the two Governments, envisaged in the second operative part of the Security Council resolution, has been complete in all respects. Our conversations took place in an atmosphere of complete frankness and cordiality.

In pursuance of the third operative paragraph of the resolution, the Secretary-General of the United Nations placed at my disposal the services of Mr. I. F. Engers of the Department of Political and Security Council Affairs, and Miss H. Platz of the Executive Office of the Secretary-General. I also wish to acknowledge valuable information received from the United Nations Representative for India and Pakistan.

II

During the last debate in the Security Council, the representative of Pakistan had stated that his country recognized, "no international obligations with regard to the State of Jammu and Kashmir, except those it has voluntarily accepted.....in the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949". [761st meeting, para. 115.] For his part the representative of India declared that these two resolutions

were the only ones which bound his Government. [763rd meeting, para. 77.]

In view of these declarations I felt it appropriate to explore what was impeding the full implementation of these resolutions. My effort were, therefore, from the beginning directed towards the finding of a solution for the problems that had arisen in connexion with these two resolutions.

The resolution of 5 January 1949 [S/1196 para. 15] envisages the holding of a free and impartial plebiscite to decide on the question of the accession of the State of Jammu and Kashmir to India or Pakistan. On exploring this question of a plebiscite I was aware of the grave problems that might arise in connexion with and as a result of a plebiscite.

I therefore felt it incumbent on me to devise ways and means by which these difficulties could be met or at least be substantially mitigated.

Consequently, I made number of suggestions to this end to both Governments which, for different reasons, however, did not prove to be mutually acceptable.

During our conversations the Government of India laid particular emphasis on the fact that, in its view, two factors stood in the way of the implementation of the two resolutions adopted by the United Nations Commission for India and Pakistan. The first of these was that part I of the resolution of 13 August 1948 [S/1100, para. 75], and in particular paragraphs B and E, had, in the Indian view not been implemented by the Government of Pakistan. For that reason, it was, in the Indian Government's submission, premature to discuss the implementation of parts II and III of that resolution, or of the resolution of 5 January 1949. The second of these impediments, which concerned rather part II of the first resolution, was that the Government of India, which had brought the case before the Security Council on 1 January 1948, felt aggrieved that the Council had so far not expressed itself on the question of what, in the Indian view, was aggres-

sion committed by Pakistan on the India. In the Indian Government's view, it was incumbent on the Council to express itself on this question and equally incumbent on Pakistan "to vacate the aggression". It was argued that prior to the fulfilment of these requirements on the part of the Security Council and on the part of Pakistan the commitments of India under the resolution of 13 August 1948 could not reach the operative stage.

I explained to the Government of India that the Security Council had properly taken cognizance of the original Indian complaint, and that it was not for me to express myself on the question whether its resolutions on the matter had been adequate or not. I pointed out that regardless of the merits of the present position taken by the Government of India, it could not be overlooked that India had accepted the two resolutions adopted by the Commission for India and Pakistan.

The Government of Pakistan for part, in conversations with me maintained that it had implemented part I of the first resolution in good faith and in full, and that the time had come to proceed to the implementation of part II.

Under the circumstances I decided that it might be appropriate to approach first the question of the implementation of part I of the first resolution as I had been given to understand that this was the primary impediment to the implementation of the resolutions. It was my impression that in the presentation of its views substantial weight was given by Government of India to the absence of "an atmosphere favourable to the promotion of further negotiations" as envisaged in paragraph E of that part of the first resolution. Another point which was repeatedly stressed by the Government of India, that the military *status quo* envisaged in paragraph B of the same part did, in its view, not obtain owing to the policies pursued by the Government of Pakistan.

In order to break the deadlock concerning part I, I inquired of the two Governments if they would be prepared

to submit the question of whether part I had been implemented or not to arbitration. In substance my suggestion to the two Government did not envisage simple arbitration, but the arbitrator or arbitrators would also be empowered, in case they found that the implementation had been incomplete, to indicate to the parties which measures should be taken to arrive at a full implementation. It was also envisaged that in the latter case after a given time-limit the arbitrator or arbitrators would determine whether the given indications had been followed and implementation did obtain.

Being aware of the earlier negative attitude of the Government of India on the question of arbitration with relation to the Kashmir problem as a whole, I made it a point to explain to it that I was not suggesting anything of that nature, and that what I was proposing, while termed arbitration, in all likelihood would be more in the nature of a determination of certain facts which, in the Indian view, were incontrovertible. In addition, the procedure suggested might lead to an improvement in India-Pakistan relations in general, a development which I assumed could not be unwelcome to either of the two countries.

While the Government of Pakistan, after a certain hesitation, fell in with my suggestion in principle, the Government of India, however, did not feel that arbitration, as outlined by me, would be appropriate. It explained that, while it was not against the principle of arbitration as a method of conciliation and had indeed, agreed to this procedure to arrive at a solution of certain other problems outstanding between India and Pakistan, it felt that the issues in dispute were not suitable for arbitration because such procedure would be inconsistent with the sovereignty of Jammu and Kashmir and the rights and obligations of the Union of India in respect of this territory. It was, furthermore, apprehensive that arbitration even on an isolated part of the resolutions might

be interpreted as indicating that Pakistan had a *locus standi* in the question.

III

In dealing with the problem under discussion as extensively as I have during the period just ended, I could not fail to take note of the concern expressed in connexion with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia.

The Council will, furthermore, be aware of the fact that the implementation of international agreements of an *ad hoc* character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has tended to change.

IV

While I feel unable to report to the Council any concrete proposals which in my opinion, at this time are likely to contribute towards a settlement of the dispute, as I was requested to do under the terms of reference of the Council's resolution of 21 February 1957 [S/3793], my examination of the situation as it obtains at present would indicate that despite the present deadlock, both parties are still desirous of finding a solution to the problem. In this connexion the Council may wish to take note of expressions of sincere willingness to co-operate with the United Nations in the finding of a peaceful solution, which I received from both Governments.

(Source ; U N Document No. S/3821).

Mr. Frank P. Graham Report 1958

On 2 December 1957, at its 808th meeting, the Security Council adopted a resolution by which it requested the United Nations Representative for India and Pakistan to make recommendations to the parties for further appropriate action with a view to making progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement. He was further authorized to visit the sub-continent for these purposes and instructed to report on his efforts to the Security Council as soon as possible.

In pursuance of this resolution, I proceeded to the sub-continent. I arrived in New Delhi on 12 January 1958.

Discussions were held with the Government of India between 12 and 17 January, between 23 January and 1 February, and again between 7 and 13 February; with the Government of Pakistan between 17 and 23 January, between 1 and 7 February, and again between 13 and 15 February; I departed from Karachi on 15 February.

The principal participants in these discussions for the Government of India were the Prime Minister and Minister for External Affairs, Mr. Jawaharlal Nehru, the Minister of Defence Mr. V. K. Krishna Menon, and the Commonwealth Secretary, Mr. M. J. Desai. The Government of Pakistan were represented by the Prime Minister and Minister for Foreign Affairs and Commonwealth Relations, Mr. Malik Feroz Khan Noon, the Foreign Secretary, Mr. M. S. A. Baig, and the Adviser on Kashmir Affairs Mr. Din Mohammad.

The two Governments extended to me their complete co-operation. Our conversations were marked both by frankness and cordiality.

The Secretary-General of the United Nations placed at my disposal the services of Mr. J. F. Engers of the Department of Political and Security Council Affairs ; of Mr. Elmore Jackson as Special Consultant ; and of Mrs. Daisy F. Lippner of the Office of General Services.

In the debates in the Security Council, between September and December 1957, the Governments of India and Pakistan affirmed that they continued to be engaged by the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949.

In my initial discussions with the two Governments, I addressed myself to certain obstacles which appeared to stand in the way of progress in the implementation of these two resolutions. Foremost among these was the procedure for the withdrawal of the Pakistan troops and the withdrawal of the bulk of the Indian army, as provided for in part II of the resolution of 13 August 1948 of the Commission. I therefore embarked on discussions with the two Governments to ascertain their views on how these difficulties might be overcome. In following this approach. I was, of course, fully aware of the fact that the Government of India had not accepted

the resolution of the Security Council of 2 December 1957 and of their position regarding the sequence of action contemplated in the resolution of 13 August 1948, but I believed that they would be interested in finding ways and means to facilitate the implementation of those elements which were standing in the way of the withdrawal of the Pakistan troops from the State.

In my conversations with the two Governments I could not fail to note that, while the objective envisaged in Part II A, namely, the withdrawal of Pakistan troops from the State, was clear enough, the method and machinery to be pursued to this end would be likely to create its own problems.

As I envisaged the situation that would obtain after the withdrawal of Pakistan troops, I foresaw, as provided by the first resolution of the Commission, an area administered by the local authorities under the surveillance of the United Nations Commission, or, as it had now developed, of the successor organ, the United Nations Representative for India and Pakistan.

It should be noted that position of this territory is of a peculiar nature. Its sovereignty rests with the State of Jammu and Kashmir, but the full exercise of that sovereignty would be limited under the resolution by (a) the surveillance of a United Nations organ, and (b) the commitment by India that their forces would remain within the cease-fire line.

Furthermore, the degree of United Nations concern with the administration was left undetermined by the Commission by using the term "surveillance". Such problems as the logistics, economics and supply, to mention only a few, have never been fully considered, though they could hardly be expected to be met satisfactorily without due preparation.

Thus it would appear that the execution of section A in part II might create more serious difficulties than were foreseen at the parties agreed to that clause. The determination as to who are the "local authorities" might not be an easy matter.

Whether the United Nations Representative would be able to reconstitute the *status quo* which had obtained some ten years ago would seem to be doubtful.

I therefore came to the conclusion that prior negotiation with the parties on these problems would not only be essential but imperative. Otherwise, the evacuated territory might be left in an unsettled condition.

Since I was aware that the Government of India were concerned about the security of the evacuated territory, and more particularly, were apprehensive that the Pakistan army, after its withdrawal, might return to the territory, I felt it my duty to give serious consideration to ways and means to allay this concern on the part of India. I therefore proposed that the feasibility of placing a United Nations force on the Pakistan side of the Pakistan and Jammu and Kashmir border should be explored. If this conception in principle were to meet with approval, agreement might from the Pakistan Government for receiving such a force and negotiations might be initiated within the United Nations on the size, composition and functioning of such a force.

Other suggestions were also discussed informally with the two Governments. In view of the urgency, however, of what I considered the most immediate requirement of the situation, namely, a resumption of direct negotiations—under United Nations auspices—I decided to make my formal proposals with as little detail as possible.

In order to create the proper framework for these negotiations, I asked the two Governments to give prior consideration to two undertakings which I considered an essential prerequisite for their success.

In the first place, I suggested that the two Governments should consider the possibility of a renewed declaration in line with the resolution of the Security Council of 17 January 1948 and part I of the resolution of 13 August 1948 of the United Nations Commission for India and Pakistan under which they

would appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to further negotiations and in which they themselves would undertake to refrain from statements and actions which would aggravate the situation.

In the second place, I proposed that the two Governments reaffirm that they would respect the ceasefire line and that they would not cross or seek to cross the cease-fire line on the ground or in the air, as established in the cease-fire agreement, ratified by the Government of India and Pakistan respectively on 29 and 30 July 1949.

Thus, on the day of my departure from the sub-continent on 15 February 1958, I submitted to the representatives of both Governments the following recommendations :

(1) That they should consider the possibility of a renewed declaration in line with the January 1948 resolution of the Security Council and of part I of the 13 August 1948 resolution, under which they appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to further negotiations and in which they themselves undertake to refrain from statements and actions which would aggravate situations.

(2) That they reaffirm that they will respect the integrity of the cease-fire line and that they will not cross or seek to cross the cease-fire line on the ground or in the air, thus further assisting in creating a more favourable atmosphere for negotiations.

(3) The withdrawal of the Pakistan troops from the State of Jammu and Kashmir is provided for in part II of the 13 August 1948 resolution. Pending a final solution, the territory evacuated by the Pakistan troops is to be administered by the local authorities under the surveillance of the Commission. Part II of this resolution also provides for the withdrawal of the bulk of the Indian forces from the State in stages to be agreed upon with the Commission.

In an effort to speed the implementation of these actions provided for in part II, the United Nations Representative is suggesting that a prompt study be undertaken, under his auspices, of how the territory evacuated by the Pakistan troops could, pending a final solution, be administered in accordance with provisions of the resolution.

With a view to increasing the security of the area to be evacuated, the United Nations Representative recommends that consideration be given to the possibility of the stationing of a United Nations force on the Pakistan side of the Pakistan and Jammu and Kashmir border, following the withdrawal of the Pakistan army from the State.

(4) If progress is to be made in the settlement of the "India-Pakistan question", there is need for an early agreement between the two Governments on the interpretation that should be placed on part III of the 13 August resolution and those parts of the 5 January resolution which provide for a plebiscite. In this connexion, the United Nations Representative would call attention to the communique of the Prime Ministers of India and Pakistan issued following their meeting in New Delhi in August 1953, which recognized that a plebiscite had been agreed to and expressed the opinion that a solution should be sought "causing the least disturbance to the life on the people of the State".

The United Nations Representative will be considering with the two Governments the means and timing under which agreement might be sought on these questions.

(5) The United Nations Representative, believing that further negotiations on the questions which he has been considering with the Governments of India and Pakistan would be useful, and believing that it would facilitate progress if these negotiations could be undertaken at the highest level, proposes to the two Governments that a Prime Ministers' conference be held under his auspices in the early spring.

If the latter recommendation would not be agreeable to either or both Governments, the United Nations Representative recommends to the parties that they keep the general proposal, or any reasonable variation thereof, under consideration and that such a conference be held at the earliest practicable date.

The Government of Pakistan agreed to these recommendations in principle. They informed me that they were willing to make a renewed declaration as suggested by me that they were prepared to reaffirm that they would respect the integrity of the cease-fire line.

They informed me further that they were prepared to withdraw the Pakistan troops from the State of Jammu and Kasumir simultaneously with the withdrawal of the bulk of the Indian forces from the State in stages to be agreed upon with the Commission as provided in part II of the 13 August 1948 resolution.

They also agreed with my recommendation that a prompt study be undertaken under my auspices of how the territory evacuated by the Pakistan troops could, pending a final solution, be administered by the focal authorities in accordance with the provisions of the resolution.

The Government of Pakistan also informed me that they were agreeable to my recommendation to consider possibility of the stationing of a United Nations force on the Pakistan side of the Pakistan and Jammu and Kasmir border, following the withdrawal of the Pakistan army from the State.

In the matter of the interpretation that should be placed on part III of the 13 August resolution and those parts of the 5 January 1949 resolution which provide for a plebiscite, the Government of Pakistan indicated that they were prepared to abide by the terms of the Prime Minister's communique of August 1953.

Finally, the Government of Pakistan agreed to my proposal of a conference at the Prime Ministers' level, or any

reasonable variation thereof to be held under my auspices, adding that they would hope that this conference be held as soon as possible.

The Government of India declared themselves unable to agree to my recommendations. They based their position on the ground that my recommendations were made without regard to the failure to implement the Security Council resolution of 17 January 1948 and clauses B and E of part I of the resolution of 13 August 1948 of the United Nations Commission for India and Pakistan, for which they held Pakistan responsible. In their view, the sole onus of performance was on Pakistan and the United Nations, which both had the responsibility and the capacity for taking steps toward a peaceful approach to the situation and for making a contribution to resolving the difficulties between India and Pakistan.

While, therefore, the inability of India to accept my recommendations primarily followed from their contention that my approach was not feasible, since, in their view, it tended to by-pass the implementation of what they considered to be the preliminary question, they also informed me that they did not look with favour on the substance of my recommendations.

Thus, they felt that a new declaration regarding a peaceful atmosphere and the cease-fire line might denote a displacement of the previous engagements. They further contended that such a declaration would imply that Pakistan had not violated their previous engagements and that the consequences of them would thereby stand condoned.

The Government of India could also not see their way to accept the study I had recommended in my third recommendation, at they felt that it would tend to by-pass and evade what they considered to be the main issue, namely, the illegal occupation of India Union territory by Pakistan. In their view, that territory was an integral and inseparable part of the Union of India and the recommendation was based on a misconception that Jammu and Kashmir were a no man's land. Further,

the study, in their view, would not be relevant, since, according to the resolution of the Commission and the assurances given on behalf of the Security Council to the Government of India, they alone, with the United Nations, were concerned in this matter and Pakistan would not seem to have any place whatsoever in these arrangements.

With regard to the recommendation on the stationing of a United Nations force on the Pakistan side of the Pakistan and Jammu and Kashmir border, the Government of India were taking cognizance of a concern of the United Nations Representative in this matter which they understood to be conditioned by the previous conduct of Pakistan. They would on their part, however, consider it as highly improper and indeed an unfriendly act to promote a suggestion which would involve the stationing of foreign troops in a neighbouring sovereign State with whom they desired nothing but the most friendly relations. Since, however, this was a matter for decision by the Government of Pakistan in their sovereign competence, they would not be in a position to object to this proposal, though they would regret it.

With regard to recommendation 4, the Government of India informed me that they regretted that they could not enter into any such discussions in view of their preliminary objections.

Finally, the Government of India declared themselves unable to accept my last recommendation, since it would, in their view, place the aggressor and the aggressed on the same footing. They therefore considered in contrary to the Charter and all considerations of international ethics and equity.

I should, however, inform the Council that the Government of India, at the same time as they declared themselves unable to accept my recommendations, also informed me that they have been and are anxious to promote and maintain peaceful relations with Pakistan. They stated that they firmly held the view and belief that there should be a constructive and

peaceful approach to every problem and that they firmly adhered to their determination to pursue paths of peace, while placing their faith in the United Nations and its Charter.

In keeping with this spirit expressed by India, which I know is shared by Pakistan, I still express to the Council the hope that the two Governments will keep under consideration the proposal for a high-level conference. I trust that, in their further consideration, they will find it possible promptly themselves to make, without prejudice to their respective positions on the Kashmir question, preparations for holding, within the framework of the Charter of the United Nations, such a conference at the earliest practicable date covering questions of time, place, auspices and agenda. The agenda, as the parties might choose, might include the basic differences which the parties find to stand in the way of a settlement and such other matters as the parties might find would contribute to "progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and towards a peaceful settlement".

However wide the differences and deep the distrust, and however bad the situation in the opposite views of each other's position, no situation is completely and forever beyond the redemptive power of the development of reciprocal faith and the creative interchange of views and proposals for a peaceful settlement as alternatives to the deepening differences in an age of unprecedented peril and hope. Better than talking at long distances across the sub-continent is, on occasion, to talk directly to each other in a conference at the highest possible level. The holding of well prepared direct talks with the desire for a settlement is more than talk: it is itself an act of potentially creative faith which might lead to steps for a fair and peaceful settlement.

These unsettled and unsettling differences between two great peoples have long corroded their relations, continuously

drain off their resources, and cut deeply into their hopeful programmes for education, health, production and welfare. Instead of continuing endlessly the corrosive polemics of all blame on one side and the other, the conference might, with sound preparation and resolute will, work out present steps toward a settlement ; set in motion a higher release of the productive capacities of the people ; and give an effective impetus to the world's flood-tide of the yearning of the people for freedom and peace amid the hazards and hopes of this age.

In this age, any situation engaged by United Nations sponsored resolutions cannot be isolated from the dynamic currents of the world's concern even by the highest mountains, whose pinnacles rise in incomparable grandeur from the topmost "roof of the world". Though bright rays of light shine through the over-hanging clouds of our time, thermonuclear power casts its lengthening shadows across the earth, darkening the homes and hopes of man. As alternative to the sudden extinction of the human race and the destruction of the precious treasures of the heritage from all peoples in all ages, there rises above the authentic fears, despair and tumult of the times the unconquerable aspiration of the human spirit for the sublimation of thermonuclear power in the cause of peace and the equal freedom, dignity and opportunity of all people, East and West.

The light of faith and the fires of the inner spirit, which, in dark times in ages past, were lighted among Asian, African and Mediterranean people for people in all lands, have shone most nobly in our times in the heroic struggles, liberation and universal aspirations of the people of the historic sub-continent for a freer and fairer life for all. With their two-fold heritage of faith in the moral sovereignty, which undergirds the nature of man and the universe, and with a reverence for life challenging the violent trends of the atomic era, those peoples, in the succession of their leadership and great example, may again give a fresh lift to the human spirit of people everywhere.

The peoples of the world might, in high response, begin again in these shadowed years to transform with high faith and good will the potential forces of bitterness, hate and destruction, step by step through the United Nations, toward the way of creative co-operation, economic, social and cultural development, resposible disarmament, self-determination, equal justice under law, and peace for all peoples on the earth as the God-given home of the family of man. (Source : UN Document No. S/3984).

Mr. T.N. Zutshi and E.P. Menon Report 1966

We, the signatories to this Report, left Delhi for Kashmir on the 1st of August, 1966, reaching Srinagar on 3rd. We were there together upto the 12th. After that E.P. Menon had to come back to Delhi on account of previous engagements. T.N. Zutshi continued to stay on till the 23rd of August and returned to Delhi on the 25th.

The present report is a result of our joint investigation in this connection.

During our stay in Kashmir we met leaders and people of various political parties and almost all walks of life in that State. We held talks with lawyers, journalists, students, representatives of political parties—Congress, P.S.P., Jan Sangh, Hindu Mahasabha and the Plebiscite Front, businessmen, printers and publishers, hotel keepers, tongawallas and boatmen.

In the beginning we had some difficulty in making people talk to us freely and heart to heart. It required some patience to make them communicative. A prominent leader, who is also a Muslim divine, said to us :—"Many people representing different organizations in India came to Kashmir on different occasions to study our problems and report to the government and the people in India. They all appeared to want to do something for the Kashmiri people, but nothing has happened so far. Therefore, if you approach the same people again, they may not like to narrate their woes any more... After Sheikh Abdullah's arrest on May 8th, 1965, some Sarvodaya workers,

including.....and also some ladies, came to Kashmir to study the situation. Many of the public workers of Kashmir who introduced these Sarvodaya workers to the village people in Kashmir were later arrested and tortured by the police. Even village women who gave statements were later arrested and tortured by the local police"

Yet we feel satisfied to say that, through patience and perseverance, we were able to make the people with whom we talked open their hearts to us.

We give below a few extracts from some important statements that we recorded during our stay in Kashmir. We cannot vouchsafe for the truth or accuracy of every statement made to us nor do we agree with every view expressed. Yet we believe that these statements give us a fair idea of the views, the feelings and of the working of the minds of the Kashmiri people in general. We are omitting names on account of the conditions prevailing there at the present moment.

I

An elderly Kashmiri Pandit, an old freedom fighter who has served long terms of imprisonment, a life-long worker for the cause of Hindu-Muslim unity, who maintains a broad outlook on all international issues and whose house is a rendezvous of people of all schools of thought and of all ranks of life in Kashmir, stated to us as under :—

"The survival of humanity rests upon the establishment of a world law and a world authority.....Kashmir has an ancient historical background. It enjoyed independent existence throughout centuries. It had a distinct culture and a social life of its own. It had trade relations with all neighbouring countries. Kashmir's economy depends upon both India and Pakistan. The only route to the plains which remains open all the year round lies through Pakistan. The route to India through Banihal is closed during the winter and even in other months of the year traffic is disrupted whenever it rains for

some days consecutively. The economy of Kashmir can thrive only if both the routes, the one to India and the other to Pakistan, remain open throughout as it was before the partition of the country. In fact, it would be best for Kashmir's economy if the routes to China and Russia are also kept open for trade, as it had been throughout the history of Kashmir before partition.....How can the people forget their past? The people feel deep sentimental attachment to their distinct culture and past history. Therefore, a more or less independent Kashmir can be the only fair solution under the present circumstances..... Sheikh Abdullah would prefer death to joining PakistanThe people have been feeling a sense of frustration and suppression. Partly on account of this and partly on account of their religious affinity many of them may show preference for Pakistan. But in reality they won't opt for Pakistan because they know the troubles they may have to face there At every important place a peace committee should be established which will take up the problem of Kashmir and educate the people. The people must tell their leaders that they want to live in peace with all. It is the leaders who are doing more harm to the country in this matter ...We must strive for an amicable and just settlement, to the satisfaction of all concerned, of all outstanding problems between India and Pakistan, including the problem of Kashmir which has remained unsolved for the last 18 years".

II

The Muslim editor of a local daily spoke to us as under :

"It is the State Government and not the Central Government which suppresses the people. Repression in Kashmir is not so much due the Centre as to our State Government. There are three groups of opinion in Kashmir. One of them would like to remain with India under the original terms of accession in which only Defence External Affairs and Communications were transferred to the Centre and all other subjects were to

remain under the jurisdiction of the Maharaja or of the people of the State. The second group would like to go to Pakistha. The third group would like an independent Kashmir, frinedly to both India and Pakistan. But everyone would like to end the present state of affairs When Nandaji visited Kashmir several thousand Home Guards, in plain clothes, constituted his audience. It was a sort of a paid audience... . The peo- of Kashmir are not getting the privileges which Indians enjoy in other parts of the country. Let us take the Press Act. So many papers are bannded in Kashmir. My own paper was banned several times. There are so many restrictions imosed on us..... So much of money has been pouring into Kashmir from Delhi. But very little of it has reached the people. Corruption is rampant. We need a clean administration first..... Sheikh Abdullah is the most highly respected person in Kashmir. Whatever he says, people will follow him. If plebiscite is taken, most people would vote as the Sheikh asks them to vote. I am sure he will not go with Pakistan..... Maulana Moham- mad Saeed Masoodi did wonderful good work during the Indo- Pak War. He could control the people from creating any disturbance. But just after the war our Government wanted him to be silenced becuase he was supposed to belong to the Plebiscite Front. Fresh disturbances were created by instiga- ting rowdy elements and the blame was wrongly put on Maulana Masoodi. He was arrested in October, 1965, and is still behind the bars As a result of the non-violent Satyagraha subsequent to the arrest of Sheikh Abdullah, all schools and colleges in the State were closed for six months, October 1965 to March 1966..... The people will prefer President's Rule to the present regime... . We need some solution of the present crisis whatever it be. The sword of uacertainty hanging over the heads of the Kashmir people is too sharp to endure. Any moment a plane roars in the sky and automatically a sense of fear vibrates in the minds of the people. People are fed up with this perpetual tension."

III

The Muslim divine to whom we have referred above Stated as follows :

"Most people in Kashmir are against the Government of India and its activities. This increasing feeling against the Government of India is mainly due to the continued detention of Sheikh Abdullah without trial. It is also due to the repression by the Police and the corrupt practices of the State officials According to many of us not even the name of democracy exists in Kashmir. It is a police state..... The Sarvodaya mission had visited Baramula and other places where the local people were tortured later. Those running the Government here do not want any settlement of the problem because it may be dangerous to their own existence. The State Government does not give any opportunity of trade etc. to members of the opposition parties..... Corruption in Congress work like this. Those who do not contribute money to the party are penalized by cancelling of their licences etc., if they are businessmen..... Pir Dustegir, a Muslim religious Shrine, had a managing committee of its own. The Government broke up the old committee and constituted a new one in which except two all other members are Government men. People were against Nanda but they hold Shartriji in high esteem...Sheikh Abdullah still enjoys the confidence of the people....."

IV

We thought of meeting the students of the University and of having a free talk with them on the situation in their State. The Jammu and Kashmir University is situated in beautiful surroundings away from the busy life of the city. One morning we walked into the University cefetaria. We approached a table and asked a group of student, sitting around and chatting, "Shall we join you at the table ?" "Of course, do take your seats" one of them replied. They were courteous. We introduced ourselves. After a few minutes of general talk

we switched on to the political situation in Kashmir. "It is the Engineering College that is much concerned with these things, not so the rest of the University", said one of them. "We have heard about the Engineering College, we would like to go there too," replied one of us, "Then come along. We are students of that College," said one of them. A stroll in that huge campus under tall, shady Chunar trees planted centuries ago by the Moghals, a delicious lunch in the students mess and a heart to talk with the students took us nearly two hours.

"Look at those tents," with these words one of them pointed towards a group of tents in a corner of the campus. He continued, "That is the.....Police camp. They are permanently camping in our college campus. They are keeping guard over us lest we take out demonstrations and create trouble for the Government. How long can we tolerate such thing? If this is the way the State and Central Governments behave towards us, they are hardly better than the British."

"In this Engineering College education is reported to be much cheaper than in other similar colleges in India. 'We want to keep good relations with both the neighbouring countries, India and Pakistan,' said one of them. He continued. "The Central and State Governments are equally responsible for the repression on political workers in the state. Whatever Sheikh Abdullah says, we are prepared to follow.....and..... (names omitted) are both corrupt and puppets in the hands of the Centre.....There are twelve student leader in prison just now. Our assemblies and meeting are prohibited. We are under a terrible pressure. Moreover, we are not given sufficient opportunity in jobs. etc. No Kashmir Muslim students are given jobs in other parts of India."

Another student said, "About the hair (Mue Sharif or the Prophet's hair) theft incident in the Hazratbal Shrine Shastriji had repeatedly promised that the guilty would be brought to

book. But nothing happened nor did anyone bother to fulfil that promise later."

"Lots of villagers were tortured by the.....Police during the disturbances when the War between India and Pakistan was in progress," said another student. He continued, "Anyone who talks about self-determination is suspected as an agent of Pakistan. This way things cannot go on for long. Whatever it may be, the problem must find solution as early as possible."

V

Another important centre that we visited was the High Court. There we had talks with several lawyers of various schools of thought. "India comes to the people of Kashmir as a *seth* with pockets full of money," said a budding lawyer criticising the Indian Government's attitude towards Kashmir. "People cannot be bought like this....." continued the.....

"There are over 5000 Muslims in the Jan Sangh in Kashmir," claimed the Jan Sangh Secretary. When we wanted him to introduce us to some of them, he said that he had no time for it.

VI

Meeting a relative of Sheikh Abdullah was another valuable experience. He held the view that an independent Kashmir was the only solution. "In war such things as military or police excesses do happen, one can avoid them," said he. He continued, ".....But the people are too much fed up with the quarrel between the two neighbouring countries, India and Pakistan.....If the Government of India wants us to continue like that, under pressure and pain, let them declare so openly. No use of pretending to help the people of Kashmir while the bulk of the money goes to the pockets of those politicians who are running the show. Here is just one glaring example," said he and from his drawing room pointed to a gigantic seven

storied structure rising upto the skies, "It belongs to the Bakhshi Brothers....."

VII

We spent another evening with three young leaders of the Plebiscite Front who were just out of prison on parole. One of them said, "Even though our firm stand is for a free plebiscite in Kashmir, whatever stand Sheikh Saheb takes we shall follow him. Without him no settlement of the problem is possible. The masses also will follow him. Even though, if given free choice of opting for India or Pakistan without the benefit of Sheikh Saheb's advice, many may prefer Pakistan. That is because they are ignorant and illiterate. But intelligent people can bring them to reason and to the right way."

After this began to talk to us about the basic unity between the two great communities, the Hindus and the Muslims, living in Kashmir. One of them said, "There are even common shrines for both Hindus and Muslims. When Muslims go there, they do not eat meat that day. Similarly Hindus too pay great regard for Muslim culture and traditions. But as years passed by, due to quarrels between politicians and deliberate suppression by the Government, animosity and friction began to develop.....Surnames like 'Bhatt' and 'Pandit' are common to both Hindus and Muslims. One could easily notice great harmony existing between the two communities in courts, offices and all other fields of life....."

VIII

A young vakil told us that, "we want to keep this land open to people from all parts of the world. Then alone can our economy thrive.....Now a days most of the house-boats are lying idle for want of work. Tourist activity and industries depending upon it have very much come down."

IX

"There will be hartal in the city tomorrow. Therefore, tell me what vegetables you would like to take tomorrow, so that I may buy the same today," our hotel manager enquired of us on the evening of the 8th of August.

"Why hartal tomorrow?" We asked.

"It is the Sheikh Abdullah day. Every year the the people of Kashmir observe it. You know he was first arrested on the 9th of August, 1953. It is a very important day for us to mourn and pray for his health and for peace in Kashmir," was the reply.

The next day we went to the Lall Chowk and found most of the shops open. "What about the reported hartal?" we asked of the lawyer friends who were with us.

They replied, "Some Kashmiri Pandits, Sikhs and Marwaries are keeping their shops open. But just you get into the interior of the city, there it is complete hartal. Moreover, the police used force this morning in getting shops opened in this part of Srinagar which is a fashionable part of the city and visited most by tourists and out siders. The police even broke open the locks, of some shops and compelled the shop-keepers to keep the same open."

To witness the whole thing for ourselves we got into a tonga and drove into the interior of the city. To our great surprise we saw not a single shop open there. But heavy police patrol was in evidence in every lane and street. Almost all streets had a deserted appearance.

The All India Radio and some Indian newspapers reported about hartal in Srinagar the next day and said that only a few shops were closed. This was incorrect.

X

One evening we were invited to dinner at the house of a

prominent Kashmiri Pandit. Many other Kashmiri Pandits were there. We had a heart to heart talk with them. One of them gave us the History of Kashmir and said, "There were no aboriginies in the Kashmir Valley. The Aryans came to the plains of India through the Hindu Kush and Afghanistan. At that time the Kashmir Valley was filled with water. Kashyap Muni, with a band of Aryans, first came here from the plains of India. He drained water from the Valley and settled down with his group. Therefore, Kashmir is named after Kashyap Muni. Later another group of Aryans came here from the plains. These two groups used different calendars. One used the lunar calendar and the other used the combined Lunar and Solar calendar. These two groups among the Kashmiri Pandits are still known by their different calendars. The former are known Chandra Masi and the latter as Malmasi..."

The gentlemen further continued, "We were against the partition of India. That partition was the root cause of all subsequent troubles... Since time immemorial all the people of Kashmir have lived a life of unity and perfect communal harmony. Only since 1947 some elements started disrupting this harmony."

They also complained to us :... "While in earlier days after partition as well as under the Prime Ministership of Sheikh Abdullah no discrimination was made against any community by the Government of Jammu and Kashmir, laterly the Government of Kashmir has begun to discriminate against the Hindus and especially against the Kashmiri Pandits in matters of education, Government Jobs, etc. Possibly they do so to please the Muslim population of Kashmir amongst whom they are gradually losing their popularity. This new trend has created communal disharmony and dissatisfaction where none existed before even centuries under the rule of the Maharajas."

XI

A very intelligent congress worker, who is also one of the leaders of the youth movement in that State, said to us, among other things, "Hindus and Muslims have lived here in peace and friendliness for ages. Although Hindus and Muslims may criticise each other on some occasions, they live together, sit together, talk together and even dine together in the friendliest way. There is a large number of shrines in Kashmir to which both Hindus and Muslims go, and when they offer their prayers in the morning you cannot distinguish between the Hindu prayer and the Muslim prayer.... There have been a number of saints whom both the Hindus and the Muslims revere and to whose tombs or *dargahs* both resort for blessings."

He also talked to us about socialism and said, "Our socialistic outlook and action has also been a prominent feature of our life. During Sheikh Abdullah's Prime Ministership Kashmir was one of the first States in the subcontinent to implement the well known socialist principle, 'land to the tiller.' It was done without paying any compensation to the former absentee landlords... There can be no doubt that Sheikh Abdullah was an honest and incorruptible leader of the people ..." He admitted that there had been serious complaints of misbehaviour by the.....Police. He said that socialism and secularism went together and that they had a greater chance of realizing their socialist goals with India than with Pakistan.

XII

One evening after dinner we ran into a casual conversation with our Muslim hotel keeper, a relative of his, from some Village and the cook. The three simple hearted people presented a sad picture of life in the rural areas. They also like many others in Kashmir, asserted that there existed basic unity among all sections and communities in Kashmir.

The cook said, "By all means the old rule of the Maharaja was much better, for there was no problem of unemployment and we could get good wages."

We asked, "We hear Sheikh Abdullah has done much for the people and later..... ..(name omitted) too. What do you say about them?"

The cook replied, "Yes, of course, Sheikh Sahib is our most beloved leader because we know he has been the only selfless leader of the Kashmiri people. His sincerity is unquestionable. He will always do good to the people. But (name omitted) was selfish and corrupt. At the same time he did many good things for the people for instance he established new schools and hospitals and constructed roads. He dealt very familiarly with the people and did not hesitate to go any where and inquire about the people's welfare".

After this the cook raised his voice and said, "In spite of all these things we were againstbecause on the whole he looted the people and the country. ...Most of the money that he brought from India was not reaching the needy people for the betterment of their lives, fifteen annas out of every rupee went to the pockets of.....Panchayat Sarpanch and his kith and kin and then to the pockets of other officers. The poor people in India pay for it, we know but we don't get the benefit of it. Our children are supposed to get scholarship for education, but so far they have never received any such thing. (Pointing to a building at a distance, he said) Look at that hotel in the middle of the lake. The proprietor of that hotel was formerly a shikara runner (boatsman). He was a pauper but to day he owns several house-boats and also that hotel. He was a panchayat sarpanch and he got his share of the loot from..... Medicines used to be stored up in his custody for free distribution to the needy, but he used to sell those medicines to the people. Thus he made a good fortune. This type of stories you will hear everywhere."

We asked, "What do you say about the present Government ? Would you like to be with India or Pakistan ?"

The man from the village replied, "It is not very material for us. Whoever rules us we are not bothered. We want opportunities for work, wages, education for our children and a life like that of human beings. ...In our lives we never had any feeling that the Hindus and the Muslims are enemies of each other. Only after independence was achieved from the British all these troubles started."

At this the cook intervened and said, "The present Government of Kashmir is also not at all satisfactory. First of all.....is not at all popular among the people. He sits in his airtight compartment away from the people and their problems. He does not meet people frequently as Bakshi used to do. As far as corruption is concerned he has not yet come to limelight but we feel he too may not escape what is an all India disease. But why should we blame Kashmir alone for corruption ? Our small ministers have learnt it from their *bara sahebs* in India."

XIII

One morning we went to see two highly educated, prominent political workers who had recently come out of jail after nearly 4 to 5 years of imprisonment. We give below some extracts from their talk which lasted over a couple of hours. One of them said :

"There are about 215 detenus at present in Kashmir, 770 political workers are on parole. They can be re-arrested any time. They are prohibited from taking part in any political or public activity. Cases are going on against nearly 2500 political workers."

The man continued :

"Sheikh Abdullah went for Haj and for a visit to U.A.R. and U.K. on 13th February 1965. On the 7th of March, while

Sheikh Sahib was still out of India, about 400 top political workers were arrested through out Kashmir.....On 8th May, 1965 Sheikh Abdullah was arrested on his return to India at the Delhi airport. According to Muslim faith Haj can be taken to be completed only when the pilgrim comes back to his home. Sheikh Sahib was thus unable to complete his Haj. It was unfair on the part of the Government of India not to allow Sheikh Sahib even to complete his Haj. He could have been easily arrested after he had once reached his home..... There were spontaneous demonstrations in Kashmir on the 8th, 9th and 10th of May in protest against the Sheikh Sahib's arrest. The authorities tried to break up the peaceful demonstrations. The demonstrators were fired at, 28 people were killed and hundreds were arrested..... From 5th June organized non-violent Satyagrah began, to protest against Sheikh Sahib's arrest. Batches of five Satyagrahis each went in an absolutely peaceful manner to the centre of the city, Lall Chowk, twice a week and got themselves arrested. The Satyagraha was conducted on absolutely Gandhian lines. The Satyagrahis raised these slogans : 'Sher-e-Kashmir ko chhor do ! Yeh Kashmir hamara hai ! Iska faisla ham karenge !, The satyagrahis were promptly arrested. This form of satyagraha lasted till 9th August 1965. A total number of 135 satyagrahis were arrested during this period. Besides, a number of onlookers were also arrested for showing their sympathy with the satyagrahis. The number of such sympathisers arrested must have reached hundreds. The satyagrah was deliberately suspended by the organizers and especially by Maulana Masoodi because just at that time some Pakistani infiltrators entered Kashmir and the organisers of the satyagrah did not want to embarrass the Government of India at that critical moment.....After the Indo-Pak war the satyagrah, which was actually in protest against the Sheikh's arrest, was restarted mainly by the students. This student satyagraha began from 29th September 1965 and lasted till 20th October.

Hundreds of students were arrested during that period. Many students and their leaders are still in jail. Since then the Police has been stationed on the campus of the University. From October 1965 to March 1966 the J. & K. University and all colleges and schools remained closed in Srinagar as well as in the entire Valley."

The man further said : "On May 10th 1965, two days after the arrest of Sheikh Abdullah, Maulana Masoodi gave a speech in the Jama Masjid. There were about 30,000 people. Manlana Masoodi exhorted them to remain peaceful and non-violent. After the speech the audience dispersed peacefully. Maulana Masoodi then came out of the Masjid. He was going in a jeep with a few others. The jeep was stopped and surrounded by some C.R.P. men. They overturned the jeep and began to beat the inmates with their rifle butts. Four of Maulana Masoodi's teeth were broken. The drivers and others were badly injured. Mr. Ghulam Mohiudein Karra also got some of his ribs broken. At this moment Mohammad Sultan, S.P., who belonged to the local police, happened to come to the place. He recognized Maulana Masoodi and others and resued them. The news about the beating of Maulana Masoodi on May 10th 1965 spread rapidly throughout the Kashmir Valley. He is one of the most widely respected men in the State. Rumour spread that the Maulana had died. This naturally excited people. Khizar Butt of village Tulmula, Gandarbal and some others came out in a peaceful mourning procession. Khizar Butt was arrested and, while in custody, was beaten to death."

He continued :—"After 1953 police from some outside States was also brought into Kashmir. At present following police forces are stationed in Kashmir the Central Reserve Police of the Government of India, the Punjab Police, the Bihar Police the Provincial Armed Constabulary of Uttar Pradesh and the Rajasthan Police. The strength of police from outside States in Kashmir is supposed to be about 10,000. This is over

and above the local Kashmir Police, the Home Guards and the State and Central C.I.D. whose number is also considerable”.

He further continued : “Since 1947 Rule 50 of the Public Security Rules, which corresponds to D.I.R. in India, is applied throughout Kashmir. All meetings and processions are banned without special previous permission, under Section 144. Anyone who breaks Section 144 is given long imprisonment.....From March 1965 to October 1965 there was again practically a wave of terror in the Kashmir Valley. The police arrested men and women in the villages, took them to the police station, beat them up and then released them. The police went to the houses of villagers, often at night, and looted their property. They even dragged women from their houses and ill treated them.....There are Interrogation Centres in Kashmir. To these Centres arrested people are taken and subjected to various forms of torture, possibly in order to get confessions out of themOn 10th May, 1965 ten newspapers of Kashmir were banned by the Government. Later the ban was lifted from ‘Hamdard’. At present hardly any opposition newspaper is allowed to be published in Kashmir.”

Talking of the Congress organisation and its influence in Kashmir he said :—“Congress Party membership is required before anyone can get an agricultural loan or other similar facility. Lists are made of those who apply for loans. Before an application for a loan is considered, three people’s endorsement upon the application is necessary (1) the Patwari, (2) the Numberdar or the village Headman, and (3) a Congress worker. The Congress worker gives his endorsement only to those who have become members of Congress. Congress workers get State garrage cars and jeeps for party work.....On May 8th, 1965 after the arrest of Sheikh Abdullah there was hartal. Congress workers joined the police in forcibly breaking open shops which had been closed by the owners. Some of them also took part in the looting of such shops”.

XIV

One evening we were invited to tea by a daughter of Sheikh Abdullah at Sheikh Abdulla's house in the suburbs of Srinagar. We had an interesting one-hour chat. On our enquiry about Sheikh Sahib's health she told us that Sheikh Sahib was not keeping good health. He had developed pain in his knees. The climate of Kodai-Kanal did not suit him, as it was damp. She had recently returned from Kodai-Kanal after meeting her father.

XV

Another evening we had a talk with a youngman who had a diploma in Electrical Engineering and is now employed in some local firm. He had lost his father in an air crash some years ago. His mother also died some years back. He has no brother. And his only sister, who is married, lives in Azad Kashmir. The youngman felt lonely because he had no member of his family or near relative whom he could easily meet. He had not seen his sister for 18 years. He told us that there was a large number of such cases in which dear ones, brothers and sisters, fathers and sons, had been separated by the cease fire line. He said that the Government of India did not allow such people on this side of the line to go to the other side and meet their dear ones and similarly the Azad Kashmir Government or the Pakistan Government would not allow persons on that side to come and meet their dear ones on this side. The youngman gave us a number of instances which appeared heart-rending. According to him there were cases in which people on death bed expressed their last wish to meet some of their dear ones on the other side of the line, but none of the two Governments was prepared to relent the severity of their rules. The persons died without their last wish being fulfilled.

The youngman gave us his own estimates of some Kashmir leaders According to him :

"Sheikh Abdullah can in no sense be called communal minded. While Sheikh Abdullah was the Prime Minister of Kashmir it was a crime in Kashmir to listen to the Pakistan Radio. People found indulging in pro-Pakistan propaganda were severely punished. Sheikh Abdullah was very honest in money matters and did not amass wealth as some people after him did. Yet some people planned to overthrow Sheikh Abdullah. Bakshi Sahib did lot of constructive work and help the people in many ways. Business was good in his time. However, he suppressed his opponents with a strong hand. After ten years of rule over Kashmir he was Kamarajed by Nehru. Later Bakshi Saheb felt that he had made a mistake in agreeing to resign from Prime Ministership. He manipulated that a weak man, named Shamsuddin may succeed him as Prime Minister. Shamsuddin had to resign after a few months on account of the Hazratbal Hair theft incident. Then came Sadiq in power. Many like Karra who advocated an independent Kashmir, were in Jail during the Sheikh's rule, as well as during the rule of Bakshi and continue to be in Jail now. Maulana Masoodi is a very simple, good-hearted, peace-loving and honest man. He was in Jail in Bakshi's regime and is in jail even now. Mirza Mohd. Afzal Beg organized the Plebiscite Front about ten years back. He is in jail now. Sheikh Saheb at first refused to join the Front and spoke against it. It was after his last release from prison that he joined the Plebiscite Front."

XVI

After E.P. Menon's return to Delhi T.N. Zutshi together with some local friends visited a few important places outside Srinagar, such as, Sopore, Ananthnag and Mattan. At Sopore we met some important workers of the Plebiscite Front. They were all educated and prominent in the locality. They had all

been in jail and had come out recently. They showed us lists of voters for the coming general elections prepared in Kashmir. They took pains to point out to us how the names, parentage, etc., of voters who were known as persons who may not vote for the ruling party candidates were generally wrongly entered. In some cases the name of the voter himself was wrongly spelt, in other cases there was some mistake in the parentage entry and so on. The gentlemen asserted that this had been done to disqualify a large number of voters who might go against the ruling party.

Similar lists of voters were also shown to us later in Srinagar by Shri Shabbir Ahmed Masoodi, advocate, son of Maullana Masoodi. He told us that he and his friends had been trying to get such lists corrected, but were finding the task difficult on account of the indifference of the officials concerned.

The friends in Sopore also told us :—"Repression has been going on in Kashmir. All political life is suppressed. No public meetings are allowed without special permission. Hundreds of political workers are either in jail or on parole and cases are going on against thousands of others."

XVII

In Sopore there is also an office of the national Conference of Bakshi Ghulam Mohammad. We went to that office. We talked to the workers present in the office. They told us that the 'Peace Brigade' organised by Bakshi Ghulam Mohammad had been converted by the present regime into 'Home Guards' and added, "The Home Guards beat our workers..... We were not allowed to hold our own public meeting even on the 15th of August to celebrate India's Independence Day this year.....Free elections in this State are impossible unless Section 144 is removedWe are not allowed even to get our own posters printed and pasted publicly on the walls.....We

would prefer to have President's Rule, before and during the elections."

XVIII

The next day we went to Anantnag which is about 30 miles South of Srinagar. We met a Mulim advocate, who is a prominent member of the Plebiscite Front. He said us :—"The workers of the Plebiscite Front have been prosecuted throughout Kashmir. In March 1965 and May 1965 hundreds of our workers were arrested. They were tortured in police custody. They were made to sit in the latrines in the posture of a 'murgha' (cock) for hours together.....Is this the image of India which Gandiji wanted to be presented to the world ?"

XIV

From Anantnag we went to Mattan which is one of the most important Hindu sacred places in Kashmir. The word Mattan is used to be the current from of Martand.

I (T.N. Zutshi) although a Kashmiri Pandit by birth had never been to Kashmir before. A Mattan I met a Hindu priest who happened to be our family priest. It showed to me in his books the writings and the signatures of my father and grand father when they had visited Kashmir, father in 1912 and grand father in 1886. My grand father had recorded his visit in Persian and father in Urdu. I also recorded a brief account of my visit to Mattan in Hindi on 21st August 1966. The same book of my family Purohit has also records and signatures of members of the Nehru family which I had the occasion to see. At Mattan we were shown the ruins of an old temple which is said to have been built by the Pandavas. We had to climb up-hill for half-an-hour in order to reach those ruins. The ruins are a massive structure of stone, the walls being several feet thick. The pillars remind one of Greek architecture. While coming down again we chose a path by the side of a canal. The scenery of the valley in front of us

was very beautiful. In the green fields there were rows and clustures of tall, slim *Safeda* trees. We talked about the history of Kashmir as the Sun was setting in front of us in the Valley. Our Purohit's brother told us that there had been aboriginal people in Kashmir before the Aryans under Kashyap Muni migrated to that place from the plains of India and settled there. The aborigines were called 'pishach' by the Aryans. They were later absorbed by the Aryans through intermarriage. He spoke to us of the events which led to the mass conversion of Hindus to Islam. According to him the Kashmir Valley was ruled by several successive kings who came from India or Afghanistan or Tibet. A certain Tibetan king requested the Hindus of Kashmir to take him into the Hindu fold. The Hindu Pandits, prominent among whom were high Dar families, declined to do so. On this the Tibetan king went to a Muslim Fakir and requested him to admit him into the fold of Islam. The Muslim Fakir agreed. It was later through this Tibetan convert to Islam that large numbers of the Hindus and Kashmir became converts to Islam.

We passed the night in the house of our Brahman priest. It was a small house of mud and bricks, very similar to mud houses in adjoining Afghanistan.

XX

An elderly Sikh gentleman, 80 years old, who has spent his life in Kashmir Medical Service and risen to the highest position in that service and who has travelled in many countries of the world, when talking to us of India's present position in Kashmir, pointedly said :—"We are in Kashmir just as the Americans are in Vietnam!"

XXI

An elderly Muslim gentleman who has been a life long freedom fighter and an opponent of the 'Muslim League's two nation theory and of the division of the country into India and Pakistan stated to us as under :

"Unfortunately for us all, on the eve of independence the country was divided into India and Pakistan. Congress and Muslim League both agreed to the division. Every Princely State in India was given the option of acceding either to India or to Pakistan or of declaring itself independent. Maharaja Hari Sing of Jammu and Kashmir did not accede either to India or to Pakistan at the time. Thus, in terms of the India Independence Act of 1947 Kashmir became an Independent State on the 15th of August 1947.....

"Communal frenzy assumed horrible proportions both in India and Pakistan. Thousands were butchered on either side of the new International Line and hundreds of thousands were compelled to leave their hearths and homes and seek shelter on other side of the line. The State of Jammu and Kashmir had common boundary with both Pakistan and India. Naturally, the events in both these newly formed State could not but have their repercussion on the State of Jammu and Kashmir, specially in the border areas of that State. Parts of the State like Jammu, Kathua, Udhampur, Riasi, Mirpur and Muzaffarabad were affected by this outside communal virus. The refugees of both communities from India and Pakistan began to flow into these border areas of the State. In some of these parts innocent people of the State had to suffer the same type of death and desolation as were devastating India and Pakistan. Fortunately, the whole Valley of Kashmir as such remained throughout that period absolutely free from all types of communal disturbances, in spite of some border areas having been affected.

"The coming in of raiders, mainly tribals, had also begun as early as August 1947 and assumed those dangerous proportions towards the end of October 1947 which compelled the Kashmir Government to request military help from India against the raiders.

"In the meantime, long before Independence, a 'Quit Kashmir Movement' had been started in the State of Jammu

and Kashmir against the Maharaja and his Government. That movement was very much like the 'Quit India Movement' of Mahatma Gandhi against the British. Evidently, the people of Kashmir like the people of many other similar States in India wanted to end the autocratic rule of the Maharaja and establish some sort of a people's Government in its place. Sheikh Abdullah was the principal leader of this Freedom Movement in Kashmir. In 1946 the Maharaja's Government sentenced him to nine years rigorous imprisonment and a fine of Rupees fifteen hundred.

"But when communal frenzy which was absolutely a new thing for the Kashmiri people broke out in parts of the State and when the coming in of the raiders from Pakistan began to increase, the Maharaja found himself in a fix. He ordered the release of Sheikh Abdullah who was set free in the last week of September 1947, nearly a month before the attack of the tribals was officially recognised as an invasion of the State.

"Under the conditions then prevailing, the Maharaja had been hesitating as to which side to accede to, India or Pakistan, or to remain independent. Lord Mountbatten advised him to accede to Pakistan. Mahatma Gandhi had, on the other hand, advised the Maharaja to ascertain the wish of his people and act according to it in this matter. In the meantime, the Maharaja entered into a standstill agreement with Pakistan allowing the latter to operate Post and Telegraph and Railway in the State. The Maharaja had requested the Government of India also to enter into a similar stand still agreement with the State, but the Government of India could not make up its mind on the point.

"Early in November 1947 Sheikh Abdullah after his release was put by the Maharaja incharge of a newly formed provisional Government of Jammu and Kashmir under the suzerain authority of the Maharaja. Sheikh Abdullah, soon after his release, requested both India and Pakistan to allow the State of Jammu and Kashmir sometime for consideration before

the State and people could be in a position to decide which side to accede to.

"The raid by the tribals assumed dangerous proportions as already referred to above. The Maharaja fled from Srinagar to Jammu.....The raiders were proceeding towards Srinagar in large numbers. The whole of Kashmir then stood up against the raiders under the leadership of Sheikh Abdullah. Operational headquarters were formed but the people were lacking in modern military equipment and training. Sheikh Abdullah approached the Government of India for help against the Pakistani tribal invasion. The Government of India showed its inability to give help to the Kashmir State against the raiders as Kashmir was not yet a part of India. The Government said that it could help only after Kashmir acceded to India. The Maharaja applied for accession and accession was 'provisionally' accepted by the Government of India on 26th October, 1947. Till then hundreds of Kashmiris had sacrificed their lives in trying to defend the State from the raiders..... While accepting the accession the Government of India had in clear words assured the Kashmiri people that the accession was 'provisional' and that the people of Kashmir would be given opportunity of expressing their free opinion on the question of accession after the return of normal conditions in the state. This pledge given to the Kashmiri people was supported by Mahatma Gandhi, Pt. Jawaharlal Nehru and other Indian leaders. Pledges, promises and assurances were repeatedly made in this behalf."

The gentleman continued: "As Pakistan was openly helping the raiders and the question had become international between two sovereign States, the Government of India took the case to the United Nations. Gradually a ceasefire was arranged and took shape on 1st January, 1949..... The U.N. observers came to Kashmir and they are still there on both sides of the cease-fire line with their numbers ever increasing."

He continued : "As the Maharaja did not accede on the 15th of August, 1947 and the later accession was accepted 'provisionally', the State of Jammu and Kashmir was given a special status in the Indian constitution by the Constituent Assembly of India. According to this status two things are clear, first that the State continued to enjoy a sort of internal autonomy and secondly that the accession was 'provisional', subject to the will of the people to be ascertained through a plebiscite after normal conditions had been restored.....

Extremists on the Pakistan side continued their propaganda against India and against the accession. Sheikh Abdullah and his colleagues made that Pakistani propaganda ineffective by introducing a number of fresh reforms in the State, such as the abolition of the hereditaryship of the ruler or the Maharaja, the abolition of jagirdaris without compensation, a ceiling on land holdings, no one to own more than 23 acres of land, a Debt Cancellation Act by which ceiling was imposed on the total interest realizable, declaration of *begar* or forced labour as illegal and so on. At the same time all communal elements and movements, whether Hindu or Muslim, were discouraged by Sheikh Abdullah. As a natural reaction, while the Pakistani anti-India propaganda gave new impetus to communal forces on this side, the new social reforms instituted by Sheikh Abdullah and his Government set against him all vested, anti-socialist interests both in the state and in the rest of Indian. These vested interests and Hindu communalists in Jammu and Kashmir joined hands with their counterparts in India, and a movement was launched with the objective of finishing the special status of Jammu and Kashmir within the Indian Union and of ending the new reforms which led the State towards socialism. It is to be regreted that when Sheikh Abdullah and his colleagues were fighting the Muslim communalists from Pakistan and their counterparts in Kashmir, they were getting full support from the Indian National Congress and the Indian Government, but when the Hindu communalists of Kashmir

and their counterparts in India launched a movement for the abolition of the special status of Kashmir, raising such slogans as—'one President, one Prime Minister, one Flag and one Constitution', many leaders of the Indian National Congress and even some members of the then Government of India supported that movement. This naturally annoyed and antagonized the majority of the people in the State, both Hindu and Muslim, and they began to ask—"what after Nehru?"

He further continued:—"At this stage Dr. Shyama Prasad Mukherjee, the President of the All India Jan Sangh, proceeded towards the State. The permit system had already been introduced by the Government of India for entry into Kashmir. Dr. Shyama Prasad Mukherjee openly declared that he would enter Kashmir without any such permit. He reached the Ravi Bridge which is the border between Kashmir and the Punjab. It was the duty of the Government in India to prevent him from entering the State without proper documents. Instead of this, the then Deputy Commissioner of Gurdaspur, took Dr. Mukherjee in a jeep and entered the State on the Kashmir side of the river.

It so chanced that Maulana Masoodi was, just at that coming to Delhi. He met Dr. Shyam Prasad Mukherjee on that side of the bridge and tried to persuade him not to go any further into Kashmir, but to return with Maulana Masoodi to Delhi. It is said that once Dr. Mukherjee agreed to return but some communal leaders dissuaded him from doing so. It was after this that Dr. Mukherjee was arrested by the I.G. Police of Kashmir and taken to Srinagar in custody. In Srinagar he was kept in a bungalow between Nishat Gardens and the Shalimar Gardens. Dr. Mukherjee was a heart patient. He died in the Government Hospital. Some people in India accused Sheikh Abdullah of the murder of Dr. Shyama Prasad Mukherjee. Sheikh Abdullah was innocent in the matter. The Kashmir Government suggested to the Government of India to hold a thorough enquiry into the whole affair. But

it was not done. At that time Bakshi Ghulam Mohammad was the Home Minister and Shyamlal Saraf was the minister for Jails and Health in Kashmir."

He further stated:—"Some weeks after this Sheikh Abdulla was arrested in Gulmarg at 2.00 a.m., on the 9th of August 1953 by some officers of the Indian Army and the Kashmir Police. A large number of people were arrested all over the State. Sheikh Abdulla's arrest sparked off protest demonstrations all over the State which continued for months together. To suppress this mass upsurge Indian army had to be called in. Tanks were brought into important towns. The military began to parade the streets. Hundreds of people were shot and killed to suppress the mass upsurge. The new Government which was formed in the dead of night, even before the arrest of Sheikh Abdullah was called in Kashmir 'a puppet Government'.....Sheikh Abdullah was released on 8th January, 1958, after more than four years of incarceration, and again arrested on 29th April the same year. He was this time prosecuted along with some others on a charge of waging war against Kashmir and India with the help of Pakistan. The Government spent crores of rupees on that case. Ablest lawyers conducted the case on behalf of the Government. The present Law Minister, Shri G. S. Pathak was the Chief prosecuting Advocate. The charge was not proved and the case ended on 8th April, 1964. It had lasted about 6 years..... Sheikh Abdullah was released and called to Delhi. He was there a guest of Pandit Jawaharlal Nehru and was soon after sent to Pakistan for bringing about agreement between India and Pakistan on the question of Kashmir,

"When Gandhiji visited Kashmir in August, 1947, he advised that the people of Kashmir, the Maharaja and the Governments of India and Pakistan should all four sit together and decide the future of Kashmir. We find it recorded in Tendulkar's, 'Mahatma', Vol. 8. page 79 that according to Mahatma Gandhi.

'British paramountcy would terminate on the 15th. The real paramountcy would then commence. He referred to the paramountcy of Kashmiris. They had one language, one culture and, so far as he (Mahatma Gandhi) could see they were one people. He (Mahatma Gandhi) added that without going into the intricacies of Law, which he had no right to dilate upon, commonsense dictated that the will of the Kashmiris should decide the fate of Jammu and Kashmir. The sooner it was done the better. How the will of the people would be determined was a fair question. He hoped that the question would be decided between the two Dominions, the Maharaja and the Kashmiris. If the four could come to a Joint decision, then much trouble would be saved.'

"Unfortunately Pandit Nehru died on May 27, 1964 at the time when Sheikh Abdullah, after having visited Rawalpindi, reached Muzaffarabad and was having talks with the leaders of Azad Kashmir. He immediately returned to Delhi Lal Bahadur Shastri became the Prime Minister of India and the question of Kashmir was being handled by Shri Gulzari Lal Nanda, the Home Minister, who was regarded as not sympathetic to the wishes of the Kashmiri people. Instead of continuing the efforts of Pandit Jawaharlal Nehru, the Government of India reversed the process of reconciliation started by Pt Nehru after eleven years of sad experiences. The title *Sadar-e-Riyasat* was changed into that of Governor the Prime Minister now began to be called Chief Minister, the Constitution of Kashmir was suspended, the special Flag of Kashmir was removed and the National Conference was now changed into National Congress as a part of the India National Congress."

He continued :—"Sheikh Abdullah went to Haj and for a visit to U.A.R., U.K. and some other countries on 13th February, 1965. On 7th March, 1965 when Sheikh Abdullah was in U.A.R. and was about to leave for London, public leaders and workers in Kashmir numbering more than a thous-

and were arrested. Since then arrests and detention of political workers are continuing. After U.A.R., U.K. and France, Sheikh Abdullah flew to Algeria. During this period Prime Minister Chou Enlai of China visited Algeria. Chou En-lai called on Sheikh Abdullah. The meeting lasted hardly 15 minutes in the presence of several other persons including some Algerian leaders. Yet it appears the Government of India did not like their meeting. From there Sheikh Abdullah went again to U.A.R. and thence to Mecca to perform his Haj. At that very time an international Muslim Conference was being held in Mecca to which the Government of India also sent a delegation of its own."

He continued:—"When Sheikh Abdullah and his party were performing their Haj, the Government of India cancelled their further passports. At this Sheikh Abdullah wrote to Prime Minister Lal Bahadur Shastri asking reason for the cancellation. He received no reply. On this he handed over a letter addressed to the Prime Minister of India, to the Indian Embassy in Saudi Arabia and another letter to the President of India requesting personal interviews with both for offering any explanation that may be required. Yet on his return to India on 8th May at about 4.00 A.M. he was arrested on the air port along with Mirza Mohammad Afzal Beg and both were taken to Ooty in Madras. From there Afzal Bag was sent to Srinagar and Sheikh Abdullah was taken to Kodai Kanal. Begum Sheikh Abdullah's entry into Kashmir was banned."

He continued:—"On the arrest of Sheikh Abdullah there were angry yet peaceful demonstrations all over the State. Hundreds were arrested and many were killed or wounded..... Maulana Masoodi, Khwaja G.M. Karra and Khwaja Mubarak Shah started a non-violent Satyagrah movement to protest against these atrocities and to demand the release of Sheikh Abdullah and others. In this movement twice a week batches of 5 to 10 satyagrahis, purely on Gandhian lines, courted

arrest in Lal Chowk, the business centre of Srinagar, by raising slogans such as 'Sher-e-Kashmir ko chhor do, yeh kashmir hamara hai, iska faisla ham kerenge.' This lasted from 5th June to 9th August 1965. On the 9th of August, 1965 the Pakistani infiltrators entered the Kashmir Valley and the leaders of the satyagrah movement immediately suspended their satyagrah to avoid causing and embarrassment to the Government of India at that critical moment. It was a good gesture by Maulana Masoodi and his colleagues. But the Government of India, instead of appreciating this gesture, got Maulana Masoodi also arrested."

He further said : — "Pakistan attacked Kashmir. The war continued through August and September. Thosands of Kashmiris, and according to some more than a lakh belonging to Rajouri and Poonch area were forcibly pushed into the Pakistan side."

He continued — "On so many occasions during this period has firing taken place in Kashmir on innocent and unarmed people. Cases have also been reported of molestation and abduction of women and so on. Yet not a single judicial enquiry has been conducted into any such incident. The people feel that Justice denied to them. Every here and there is the police, the Home Guards and the Military to curb all public movements. Most of the big and important officers in the State are from outside the State. A large number of peaceful public workers and some of the best brains of the state who could control the people at any critical juncture are rotting and ruining their health in prison. This is hardly the way to win the hearts of a people."

XXII

After our return to Delhi and before this report could be sent to press, we received a statement from Sufi Nazir Ahmad, a prominent Muslim mystic divine of Kashmir and an ardent believer in Hindu-Muslim unity and communal harmony in

this sub-continent. We are giving below some extracts from his statement.

Sufi Nazir Ahmad says :—“No one even partially acquainted with the Jammu and Kashmir problem, can ever believe that Sheikh Abdullah and others of his view urged accession to the Indian Union, permanent or provisional, in order to hand over a part of the state to Pakistan and to convert the rest—the real State of Jammu and Kashmir into a Hindu majority province by driving out large numbers of Muslims from that part. Yet this is what has been continuously happening since the day Jammu and Kashmir acceded to India. A comparison between the census figures of the ratio of Muslim and non-Muslim population of the State before 1947 and after, would be enough to remove whatever doubts some people may have regarding the veracity of the above statement. I would like to say a word here only about the District and the province of Jammu. The percentage of Muslim population in the Jammu District before 1947 was 56 and in the entire province of Jammu it was as high as 66. There are however, hardly 20% Muslims to-day in Jammu District. As for the province of Jammu as a whole, it is difficult to give an exact figure unless the number of Muslims killed or driven out during the last year's upheaval is known. The fact is that an organised group has been at work since 1947 with a well thought out programme of driving the Muslims out of the entire state of Jammu and Kashmir or at least from a major part of it. The Indo-Pak conflict and the occupation of a part of the State by Pakistan has greatly strengthened this group. Even the Central Government appear incapable of taking any step to stop their nefarious activities and establish permanent peace in the State. Being satisfied with their success in Jammu province these people have now turned to Kashmir proper and have selected the District of Doda for their activities. Recently, during my short stay in Jammu, while returning from Kashmir, I was told that they are busy these days in getting signatures of the people of Doda on a memorandum which declares that the

inclusion of the District of Doda in Kashmir proper is contrary to the secular spirit of the Constitution of India. This claim is being made, notwithstanding the fact that Doda is a part of Kashmir proper both linguistically and culturally and has, at least up till now, an absolute Muslim majority. It is, of course, contiguous the Jammu province These people have also been carrying on constant propaganda against Sheikh Abdullah, Bakhshi Ghulam Mohammed and now G.M. Sadiq and Mir Kasim, saying that they are all Pakistanis at heart, because, according to these people, they shield pro-Pakistan Muslims.

"In the face of this conspiracy to drive out all Muslims from Jammu and Kashmir, ... it is natural that the Muslim population should look towards Pakistan as their one hope. The question arises as to who is responsible for creating this pro-Pakistan sentiment in the Muslim population of the State. At least one clear answer to this question is that the group which has made it difficult for Muslims to live in this State is responsible for it. Had the policy of the Jammu and Kashmir Government been directed since 1947 towards ensuring safety of muslim lives and property as well as of the majority status of the Muslims of the State, the political realities, not only pertaining to Indo Kashmir relations but also to the situation prevailing in India and Pakistan in this connection would have been entirely different, and the impact of this harmony and friendliness would have been of quite a different nature on the political situation in the entire Free East. Instead of merely contradicting and maligning each other in the forums of the Free East and the U.N.O., India and Pakistan would have in that case, emerged as a third force with enough moral weight to unite the entire Free East around themselves.

"The cure of this socio-political disease does not lie in prolonging the debate whether the State of Jammu and Kashmir should go to Pakistan or remain with India. The cure lies in assuring the Jammu and Kashmir Muslims that their lives, property and political and economic status are as safe in

Kashmir as of the Indian and Pakistani majorities in their respective countries. To achieve this end, the two parts of the State should be allowed to reunite immediately with complete internal autonomy and the joint responsibility of India and Pakistan for the State's external defence and security. This joint responsibility for the defence of the State is sure to avert the transfer of population which may well ensure in the wake of a free plebiscite or of the division of the State. Granting of complete independence to the entire State or to a part of it may also create Vietnam like conditions in the State, or even worse, since the boundary of Jammu and Kashmir touches the boundaries of five countries viz., People's China, Soviet Union, Afghanistan, Pakistan and India. If at any time any of these outside influences become active in this area, it may become the biggest arena of international rivalry in the world, for other distant countries may also try to reap harvest out of such rivalries. The above plan may, however, not only avert such an eventuality but is also sure to create a desirable impact on Indo-Pak relations. Above all, the people of the State will begin to think that they are being treated as free human beings.

"The average Indian or Pakistani is interested in this region mainly on account of its scenic beauty when it is in bloom. But during the last 18 years the average Indian or Pakistani has hardly been able to enjoy this scenic beauty on account of the pervading internal conditions. But if the above plan is implemented, every Indian and every Pakistani will be ensured of such an opportunity, because the Kashmiris are extremely peaceloving and hospitable. Both these qualities of the Kashmiri people are, however, in serious danger of being eroded, on account of the extremely unsatisfactory conditions prevailing in the Valley today.

"I would like to make two more suggestions for replacing the present atmosphere of mutual ruination by an atmosphere

of mutual confidence and good-will between India and Kashmir as well as between India and Pakistan.

"It has been a common practice during the last 18 years both in India and Pakistan to declare almost entire populations of particular villages or towns, in the vicinity of the boundary line between the two countries, as Pakistanis or Indians and then to force them with the help of Police or Military to go away to the other side of the boundary line and to acquire afresh the rights of citizenship on that side. This has happened to hundreds of thousands of innocent people, men, women and children. Life has been made a hell for such people, often wandering homelessly here and there under this law of the jungle. Anyone who is aware of the position of minorities in such areas of India and Pakistan will corroborate my statement. The only effective solution for this lamentable problem lies in the appointment of an independent joint tribunal of India and Pakistan consisting of eminent lawyers and such other persons as may be trusted by both sides to take an impartial view of things. Such a tribunal should have the final and exclusive right of deciding such issues of citizenship on either side.

"Since the communal riots that flare up in both the countries every now and then are also an offshoot of the same mentality which is responsible for the above difficulties, the investigation of such riots should also be entrusted to this joint tribunal. The procedure before such a joint tribunal should be so framed that the tribunal may be able to arrive at quick decisions, because the well known maxim, justice delayed is justice denied, is nowhere so true as in such cases.

"My second suggestion for a real and abiding solution of the communal problem in both India and Pakistan and for the establishment of genuine friendship between the two great neighbouring countries, is that the history of India and specially of the so called Muslim Period of Indian history, should be rewritten. I give only one example of our present

historical fallacies. It is generally thought that the spread of Islam in this country was due mainly to the political power of the Muslim rulers of India. But, the fact is that the spread of Islam in the country was mainly due to the Muslim Saints and Faqirs and even Muslim traders and divines who had begun to come to India centuries before the coming of Muslim invaders from outside. Not only that, if we carefully study the history of India the establishment of Muslim rule in the country, on the whole, impeded and even hindered the spread of Islam rather than help it. To a large extent it was also the caste system and the complexity of religious creeds and ritual on one side and the simple belief in one formless universal God of all and the brotherhood of man without distinction of race, caste or creed on the other that helped the spread of Islam in the country. The history of the last 18 years after independence has shown how deep-rooted this caste system is in the Hindu Society even in this age of democracy. The religious tolerance of the majority of the Muslim Kings was also one of the factors which contributed to the continuance of Muslim rule in the country for eight long centuries in spite of the fact that Muslims were never a majority community. I do not deny that some Muslim rulers like similar rulers in most other countries might have and did exploit religion for unholy purposes. Yet I am absolutely confident that if the history of India generally-and of the so called Muslim period especially is rewritten with a clearer and correcter perspective, it can greatly help not only in bettering relations between the two great communities in both the countries and in the establishment of genuine friendly relations between India and Pakistan but also in the ultimate reunification of the two independent States in some form or other, which is the crying need of the future of this great sub-continent.

"It is said that Gandhiji once declared that he saw some light emanating from Kashmir. I do humbly submit that the above suggestions may prove that light in the interest of the

real peace, prosperity, progress and continued independence of our sub-continent which may yet give light to Asia and to the world".

XXIII

At this stage, after some hesitation, the signatories to this report deem it their duty to refer to one other fact in connection with the conditions in Kashmir. It was alleged that after the 7th of March 1965, consequent on the arrest of a large number of political workers when Sheikh Abdullah was out of India and also after 8th May 1965, consequent on the arrest of Sheikh Abdullah at Delhi, some men of the.....Police entered some villages at night, dragged men and women out of their beds, abused and beat them up, broke windows and doors and looted property, etc., in order to terrorize the people. This complaint reached the ears of some top Sarvodaya leaders in India. These leaders sent a small delegation consisting of two highly placed ladies of unimpeachable integrity to Kashmir to visit some of these villages and meet women folk there personally, in order to find out fact and report to the Sarvodaya leaders who had deputed them for the purpose. The two ladies went to Kashmir, in July 1965, visited a good number of villages, made personal enquiries from a large number of women in those villages and submitted the report of their day-to-day investigation to the Sarvodaya leaders. We refrain from giving any extracts from their report which makes an extremely painful reading.

While closing their long report proper the ladies say :

"In conclusion we feel that the whole episode seems a period of insanity with the object of terrorising and victimising the people as a whole, particularly through their women. It also seems that there was a blackout in the press about the same or that things were reported distortedly.

".....

"Our sorrow and shame can be imagined when in several places the women told us that India was responsible for all this."

After both of the ladies had signed this report, one of the two who also the leader of the group has in a separate note said :

"We had been sent to Kashmir for a specific purpose of enquiring into the molestation of women. We have submitted our findings as impartially as it is humanly..... I strongly feel that Sheikh Saheb must be released at the earliest and sent to Pakistan for exploring the possibility of Vinobaji's idea of Confederation It is very well to feel and say that the people are against settlement with Pakistan for a just solution of Kashmir. But let us remember that we cannot deny the responsibility of projecting this view to the people because it suited us. Let us now project the safer version of the issue and create atmosphere favourable for the same. I am afraid time is running out on us quicker than we realise. It is a question of the security, the peace and the prosperity of the four hundred million of our people and not only of the Government and the politicians. It is my humble prayer that the present opportunity may not be allowed to slip out of our hands."

Copies of the above report were given to the then Prime Minister of India, the then Home Minister, the Vice President and a few other prominent persons in the Government and outside. The matter rested and still rests there.

The Kashmiri people had built some hopes on the visit of the Sarvodaya ladies. But when nothing came out of it they were sorely disappointed.

As we have already said, we cannot vouchsafe for the correctness or accuracy of every statement made to us. We had neither time and resources nor the power to verify every statement made. Yet we do say, with full sense of responsibility, that the majority of those who talked to us or made statement

before us, did it in an atmosphere of frankness. Our talks were heart to heart talks. We are confident, that in spite of some inaccuracy or exaggeration here or there, the statements reproduced in this report give us on the whole fair idea of conditions prevailing in Kashmir today and of the working of the people's minds there. The statements speak for themselves and no repeating or summarising is necessary for us.

The only question which remains is as to what should be done to solve the Kashmir problem finally. We know there are people in the country who refuse to admit that there is any Kashmir problem at all. But the world thinks otherwise and facts speak the same way, and no problem can be solved by ignoring it. The present painful and uncertain situation cannot last long.

We think it our duty to suggest the following steps to solve the Kashmir issue. Surely, we have to win the hearts of the Kashmiri people and keep them as true friend of India and of the Indian people. For this it is necessary to cease harping on the so called finality of the present position. Let us even now try to act in the spirit of Mahatma Gandhi's advice given in 1947 and already quoted above, that the question of Kashmir should be finally decided between the four viz., India, Pakistan, the Maharaja and the people of Kashmir jointly. Mahatma Gandhi also said that British paramountcy had ended with the attainment of India's independence and the real paramountcy that is the paramountcy of the people of Kashmir had taken its place.

Five days after Kashmir's accession to India, in a telegram dated Oct. 31, 1947, to Mr. Liaquat Ali Khan, Pt. Jawaharlal Nehru said, "Kashmir's accession to India was accepted by us at the request of Maharaja's Government and the most numerous representative popular organisation in the State which is predominantly Muslim. Even then it was accepted on the condition that as soon as the invader has been driven from Kashmir soil, and law and order restored, the

people of Kashmir would decide the question of accession. It is open to them to accede to either Dominion then." He proceeded to say, "Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision about the future of the State to the people of the State is not merely a pledge to your Government but also to the people of Kashmir and to the world."

Broadcasting to the nation on November 2, 1947, Pandit Nerhu said *inter alia* : "we have declared that the fate of Kashmir has ultimately to be decided by the people. That pledge we have given, and the Maharaja had supported it, not only to the people of Kashmir but to the world. We will not, and cannot back out of it."

Again in a telegram dated November, 1947, addressed to Prime Minister Liaquat Ali Khan, Pandit Nehru in reply to the Pakistan's proposal for a settlement said :

".....It is essential in order to restore good relations between the two Dominions that there should be acceptance of the principle that where the ruler of a State does not belong to the community to which the majority of his subjects belong, and where the State has not acceded to that Dominion whose majority community is the same as the state the question whether the State should finally accede to one or the other of the two Dominions should be ascertained by a reference to the will of the people."

Then came the reference of the Kashmir issue to the United Nations by India. At the U.N. too our position in this respect remained unaltered. We give only one quotation.

Mr. N. Gopalaswami Ayaangar presented the Indian case to the Security Council. Addressing the Security Council on January 15, 1948 he said, 'In accepting the accession we refused to take advantage of the immediate peril in which the State found itself and informed the Ruler that the accession should be finally settled by plebiscite as soon as peace has been restored. We have subsequently made it clear that we are agreeable to the plebiscite being conducted if necessary under inter-

national auspices." He also added, "The question of the future status of Kashmir vis-a-vis her neighbours and the world at large, and a further question, namely, whether she should withdraw from her accession to India and either accede to Pakistan or remain independent, with a right to claim admission as a member of the United Nations—all this we have recognised to a matter for unfettered decision by the people of Kashmir after normal life is restored to them."

A number of such quotations can be given from the speeches of India's representative at the United Nations as well as of responsible members of the Government of India during this period.

From our experience in Kashmir, we are also convinced that a very large number of people there both Hindu and Muslim, appreciate the secular ideal of Government embodied in the Indian Constitution more than the theocratic or semi-theocratic ideal of Government on the other side of the border. We are convinced that the majority of the people there, both Hindu and Muslim feel friendly towards India and at the same time wish to remain on friendly terms with the people of other countries bordering on Kashmir, in the interest of their own peace, progress and prosperity. We do submit that it is not fair to compare Kashmir with any other inland State of India like U.P. or Kerala. Kashmir, as repeatedly pointed out in this report, is a border State which has common boundary with several sovereign countries, viz, India Pakistan, Afghanistan, Soviet Union, and People's China. As such it has a special position of its own to which naturally attach special duties and special responsibilities. Lastly we feel that we may still keep the beautiful valley of Kashmir, which has been rightly called 'Paradise on Earth' with us, only if we move wisely and try to win the hearts of the people, a task in which we must admit we have not succeeded so far.

We must admit and our Report testifies to it that there is distrust and dislike of some of our activities in the minds of

Kashmiri people at present. Yet, from what we have heard and seen with our own eyes, we are convinced that beneath this discord there is also a great reservoir of goodwill and affection in the minds of the people there for India and the Indian people as a whole. We should both realize that our differences are self-made and unsubstantial that there is much in common between us and that we should co-operate and collaborate with each other for our common good. We are also convinced that we can well depend upon a similar reservoir of goodwill and affection between the people of India and the people of Pakistan.

We may be permitted to quote here two passages from the utterances of Sheikh Abdullah of the days of better relationship between the people of India and the people of Kashmir. In a speech on 24.5.1950 at Teetwal Sheikh Abdullah said :— The ties binding Kashmir to India were not merely legalistic but were born out of *free will of the Kashmiris* who found in India a true image of their own ideals and aspirations. This bond of unity between India and Kashmir, this kinship of heart and soul, this ever-growing ever-strengthening link between the two great people, can never be broken.”

As late as in February 1965, before starting for his Haj, addressing a mixed audience of Hindus and Muslims in New Delhi, Sheikh Abdullah said :—

“What do we seek ? We desire that this human problem be resolved peacefully and with understanding. As human beings how are different from you ? We are yours and are ours. How can Kashmir live if India goes down ?

“I am aware that if India is harmed I will not be spared. Therefore, I would sacrifice my life for India, if need be.

“.....We might have differences among ourselves but after all India is the homeland of us all. If, God forbid India ceases to be India and goes down, how can others be saved ?

“We have to look at all problems from that angle. The people of Kashmir have been suffering tremendously. They

are torn in torments and agony. Nevertheless, they fully realise that if India goes down nothing of Kashmir might remain.

"So let us think of some way out of this tragic embroilment. Our objective should be that the forces of concord and amity between India and Pakistan be really released and made to come into play.

"We do not want India to be thrown against the wall. How can we urge a solution which instead of giving strength to India would weaken it or bring about disruption instead of peace.

"What then is the way out? Provided there is the will on either side and each is determined to free itself from the shackles of the past and from the negative present, it is easy for us to sit together as brothers and discuss and find what is the best way out of this tangle."

We therefore, deem it our duty to put the following suggestions before our countrymen :—

1. All political leaders and workers of Kashmir who are at present in prison or in detention, including Sheikh Abdullah, Mirza Beg and Maulana Masoodi, should be released without delay. They should then be given full opportunity of mixing with their people and of guiding public opinion in the State.

2. Full civil liberties should be restored in the State including freedom of speech, freedom of association, and freedom of press.

3. After the above has been done, representatives of the Governments of both India and Pakistan and the leaders of various political parties in Jammu and Kashmir, including Azad Kashmir, representing all shades of opinion, should meet together and thrash out a solution of this most agonizing problem acceptable to all concerned.

This we are sure will be in keeping with the advice of Mahatma Gandhi which we have already quoted in this report.

We do submit with all earnestness that without any such solution, satisfactory to all concerned, no political device, no elections held under any conditions, can either be fair or be able to heal the wounds which probably with the best of intention we have inflicted on each other and on ourselves.

We believe this is an absolutely practical way of solving the entire problem-

It must also can be remembered that the administration of Jammu and Kashmir today involves a terrible economic drain on the poor Indian tax-payer, amounting to hundreds of crores every year in the form of military and police expenditure as well as so called trade and other subsidies intended to win the allegiance of the people against things which appeared nearer home to them.

The present position is also pregnant with serious complications, both national and international, which can forebode no good for the independence and integrity as well as for the peace, progress and prosperity of our dear motherland.

We should like to end this report with another significant important quotation from a speech of Pt. Jawaharlal Nehru. On August 1952, referring to the Kashmir problem in a speech before the Parliament of India, Mr. Nehru said, *inter alia* :—

“It is an international problem. It would be an international problem anyhow if concerned any other country besides India and it does. It became further an international problem because a large number of other countries also took interest and gave advice.....So while the accession was complete in law and in fact, the other fact which has nothing to do with the law also remains, viz, our pledge to the people of Kashmir—if you like, to the people of the world—that this matter can be reaffirmed or cancelled or cut out by the people of Kashmir if they so wish. We do not want to win people against their will and with the help of armed forces, and if the people of Jammu and Kashmir State so wish it, to part company from us, they can go their way and we shall go our way. We want no forced marriages, no forced unions.....

"It is inevitable that we should do so if you bear in mind the past history of four or five years, the assurances we had given and the fact that Kashmir has become an international issue, apart from being a national one. So we have to treat it on a somewhat separate footing.....So, we accept this basic proportion that this question is going to be decided finally by the goodwill and pleasure of the people of Kashmir, not, I say, by the goodwill and pleasure of even this Parliament if it so chooses, not because this Parliament may not have the strength to decide it—I do not deny that—but because this Parliament has not only laid down in this particular matter that a certain policy will be pursued in regard to Jammu and Kashmir State, but it has been our policy.....

"Therefore, we must be clear in our minds that this question in regard to the future of Jammu and Kashmir State can ultimately, only be decided by the people of Jammu and Kashmir State. Having come to that conclusion then let us fashion our other policies accordingly, then let us not find fault with something here and there because it does not fit in with your wishes.....

"But whether it is a pain or a torment, if the people of Kashmir want to go out, let them go because we will not keep them against their will, however painful it may be to us. That is the policy that India will pursue and because India will pursue that policy people will not leave her, people will cleave to her and come to her. Because the strongest bond that binds will not be the bonds, of your armies or even of your Constitution to which so much reference has been made, but bonds which are stronger than the Constitution and laws and armies—bonds that bind through love and affection and understanding of various peoples.....

"The way out may not be completely logical ; it may not be completely reasonable from the point of view of this law or that constitution, but if it is effective then it is a good way out, whether it offends against some legalistic agreement, or logical agreements or not..."

These are very important and wise words. They even sound prophetic. Surely, any step that we take in this connection must be in the spirit of these words of Pandit Jawahar Lal Nehru.

Even if, in the meantime, Pakistan or any other country has done anything which appears a wrong thing to us e.g. joining in particular group or a particular military bloc in the world and so on, it cannot free us from fulfilling the pledge which we have solemnly and repeatedly given, in the words of Pt. Jawahar Lal Nehru himself, 'to the people of Kashmir and to the world. Surely, the people of Kashmir cannot be made to suffer for any wrong done by Pakistan or by any other country in the world.

We hope and pray that both our people and our Government may realise the gravity of the present situation and adopt such measures of peace and reconciliation before it is too late. We also believe, that it will be a great step towards the establishment of lasting peace in this sub-continent and ultimately towards the realisation of that dream of some sort of a Confederation between India and Pakistan which men like Acharya Vinoba Bhave and many others are dreaming and which may, to the utmost degree possible, minimize the evils born out of the unfortunate partition of our dearly beloved country.

Mr. J.J. Singh's Report

To India—Pakistan Conciliation Group in 1968

29th of May 1968.

Taxi driver from the airport to the hotel : When asked who the Kashmiris think is their leader, he was reticent in giving straight-forward answers. He ended up by saying that all kinds of people pose as leaders but the oldest leader is Sheikh Abdullah.

A well to-do shop-keeper on the Bund : When told that newspapers have carried reports that Sheikh Sahib is not getting good audiences, he scoffed at the reports and said that Sheikh Sahib is still the most popular leader and related the incident that a day previous, Sheikh Sahib had come the Bund and several hundred people flocked there making his exit difficult. Regarding the the tourist trade, he said that there was "quantity but not quality".

Our tailor on the Bund : He is an outspoken man and does not exaggerate one way or the other. He thought that Sadiq should be removed because he is not a popular leader. He did not know why Sadiq is so shy and does not meet the people. He, too, thought that Sheikh Sahib was the outstanding leader. When asked if any police persecution was going

on in the city, he said that there was none now. In an indirect way, he even praised the outside police, like the C.R.P., etc. He thought that they were out to keep law and order and were quite fair their treatment.

The hotel electrician—a Pundit: He volunteered the information that since the Pundit agitation, a lot of Pundits had left the valley.

30th of May 1968.

The Military Public Relations Officer—a Lt. Col. from Bihar: He was absolutely definite that the only leader in Kashmir was Sheikh Abdullah. He volunteered the information that three days ago at some meeting near Kokarnag, Sadiq had an audience of about 10,000 people. He said that 4 or 5 people had told him about this meeting and each one had mentioned the same figure. He added that it came as a surprise to him because usually Sadiq draws an audience of 1,000 to 2,000 people.

Sheikh Sahib and Beg Sahib came to see us. Sheikh Sahib wanted me to come with him to a meeting he was going to address but unfortunately I was not feeling up to it.

Khwaja Inayatullah of Baramulla: When told that one hears that Sheikh Sahib is not drawing big audiences he said if people refuse to see day light and say it is dark, what can you do with people like that? When asked why was the Plebiscite Front not willing to fight the by-elections, his answer was that because they considered the elections will not be fair, just as, it was proven at the last elections. When told that by-elections can be watched by outsider with a reasonable chance of controlling any malpractices, he asked, "Are you going to talk to Sheikh Sahib and Beg Sahib about this?" I said, "Yes".

31th of May 1968.

About, noon, Dina Nath, Manager of the hotel, told us that trouble had broken out in the Engineering College and

that it had been gutted." He was very apprehensive that this may lead to trouble. He thought that if trouble broke out, tourists will not come and those that are already here will probably leave. He said that traffic had been stopped from going to Hazratbal which is very near the Engineering College.

That evening we drove out to the College which was being guarded by armed police. We were informed that three wooden dormitories had been burnt and in the clash several people had been injured.

1st of June 1968.

Bakshi Ghulam Mohammed dropped in and told us that there had been some trouble and that Sheikh Sahib had rushed there and calmed down the people and addressed a meeting at Hazratbal. He did not mention that the trouble was between Hindu and Sikh students on one side and Muslim students on the other. After he gone.....

Shamim Ahmed Shamim, M.L.V., came and told us it was a communal fracas. It had dangerous potentialities and he added that the Sheikh Sahib had not gone to Hazratbal, there might have been serious trouble.

We talked about the round table conference of all parties that Sheikh Sahib is planning to call.

We discussed the general situation in Kashmir. He said that on some issues he agreed with Sheikh Sahib and on others he did not. He further said that though Sheikh Sahib was still the most popular leader, in his opinion Sheikh Sahib could not start any movement in defiance of the authorities here because the movement will not last "even a week". He also said that people were tired of agitations and suffering. Shamim was of the opinion that if Sheikh Sahib agreed to a settlement within the Union of India, the Government of India would give autonomy to the state. I told him that the Government of India was not ready to do any such thing and that is why the Government of India had not sat down with Sheikh

Abdullah. He was surprised to hear that because he was under the impression that it was Sheikh Abdullah who was adopting an uncompromising attitude.

Shamim was most critical of the present government in the state and had lost all faith in its fairness. This was due to what had happened to him at a public meeting where he was beaten up and yet the government representatives completely denied the charge and no action has been taken against those who assaulted him. He was of the opinion that if in the by-elections 10 or 15 seats were won by the opposition it would encourage some others to defect from the Congress party.

Later that evening Begum Abdullah, Suraiya and Khalida dropped in to say 'hello' and gave us further details about how Sheikh Sahib had gone to Hazratbal and handled a crowd of 1500. This crowd wanted to go to the shrine and agitate the people along communal lines. Sheikh Sahib beat up some of the demonstrators and broke his stick while doing so. It must be noted that Sheikh Sahib showed a great deal of physical courage to face an excited mob of 1500 single-handed and even hit them. This crowd had a large number of pro-Pakistani elements and they could have easily assaulted him and inflicted grievous injury to him. The crowd took all this from him and dispersed after a while.

2nd of June 1968

Sheikh Sahib sent me word that he is holding a press conference at 11 a.m. at Mujahid Manzil and he would like me to come there. I went to the press conference and Sheikh Sahib related in detail the happenings at the Engineering College. Everybody was agreed, even the hard-boiled newspapermen that without Sheikh Sahib's prompt and courageous action, the incident might have taken a bad communal turn.

Sheikh Sahib said that he suspected there was some hand behind this incident. He went to the extent of saying that he, who considered every Sikh, Hindu, Muslim boy like his own son, was being accused of being a "communalist" by Mr. V.C.

Shukla, Minister of State of Home Affairs. He thought that the diabolical scheme may be to create communal disturbances in Srinagar and then put the blame on him giving them an excuse to arrest him again.

Later that evening Sheikh Sahib came over to see us and told us that he had sent workers of the Plebiscite Front out to different parts of the city to tell the people they must not make any agitation even though one Muslim boy who was seriously injured may die. The boy actually died about 6.00 p.m. and this information reached Sheikh Sahib after he left us. He immediately went to the hospital and made arrangements for the burial of the boy during the night so that no agents provocateur could take advantage of the situation, which they might have done if there were a funeral procession through the streets in the daytime.

3rd of June 1968

Early in the morning he sent word to all shopkeepers that they were not to close their shops. He threatened that he would go and break open the doors himself if any shop were closed.

Sati Sahni of UNI, Lakshmen of PTI and Khosla of the Times of India came to see me. They were all full of praise for the way Sheikh Sahib had handled the situation. They all said that nothing was done by the government.

Sati Sahni said that one may not agree with Sheikh Sahib but no one can accuse him of being a communalist. He repeated it was Sheikh Sahib's bold action which stopped a dirty communal development.

Lakshman (PTI) said that the atmosphere here was very stifling. Nobody talked freely and openly. All newspapermen were working under disadvantages. He said his last assignment was in Nepal and even though there is an authoritarian regime there, and they had to be careful about what they wrote and what they said, the authorities seldom

interfered with their 'copy'. He said that those of us who have teleprinters are not subject to censorship but questions are raised when the story appears and is not to the liking of the authorities. He asked me why there was no dialogue between the Central Government and Sheikh Abdullah. I told him that as he knew, and everybody else did, there was not much harmony among the top Indian leadership and no one wanted to take the risk of taking up a question which was a 'hot' one. I assured him that from what I know if our government leaders were to sit down with Sheikh Abdullah a solution could be found.

Mr. Khosla was some what critical of the statements made by Sheikh Abdullah such as India being in forcible occupation in Kashmir etc. But all the same he admitted that Sheikh Abdullah is the only one with whom he one can deal as a leader of the people of Kashmir. When asked about the rumours of there being a split between the three top men in the state government, namely, Sadiq, Mir Qasim and D.P. Dhar, he said that at one time Mir Qasim and D.P. Dhar were also not getting along very well but now they seemed to have joined forces. He agreed with me that Mir Qasim would like to be Chief Minister and D.P. Dhar would like to be once again Home Minister. Khosla also said that Hindu-Muslim riots in India have very bad repercussions here. He said that even men like Sadiq were greatly perturbed when the Ranchi incidents took place and here they all say that 200 people were killed but not a single arrest has been made. What kind of secularism is that? Khosla said that Hindus being the 'big brothers' should be more tolerant of the minorities such as the Muslims.

June 4th 1968.

We all—that is Malti, the boys and I—drove to Baramulla to get a first-hand feeling as to how Sheikh Sahib was received there. Several miles outside Baramulla, people at various

places had put up arches and clusters of men, women and children were gathered near different villages. Many of them were singing.

As we found that Sheikh Sahib had gone to the house of a man whose son had been killed by the Indian Army during the Kashmiri Pundit agitation, we also stopped on the road said. A comment by Mubarak Shah caught up with us and led us to the Rest house at Baramulla, where Sheikh Sahib was to come and have lunch before going to the public meeting in the centre of the town. Without this car escorting us, I do not know if we could have got through the crowds gathered at different places-especially one group of students who were somewhat hostile. After lunch at the Rest House, Mubarak Shah and Inayatullah and all our family got into an open jeep just ahead of Sheikh Sahib's car. It was a sight to see when we reached the place of the meeting. All one could see was a sea of faces all round. It must give a lot of satisfaction to Sheikh Sahib to know how much his people love him. My estimate would be there were about a lakh of people gathered at the meeting place. Sheikh Sahib got on to the pandal but we did not stop to hear the speeches. With great difficulty we managed to get the jeep out of the swirling, excited and emotionally moved crowd and got back to the Rest House and got into our car and came back to Srinagar. I must say this was quite an exciting experience. Sheikh Sahib's popularity could well be compared to the popularity of Jawaharlal Nehru both before freedom and a few years thereafter.

Also we noticed that there was only one traffic police man, long before one reached the meeting place and there was no evidence of police anywhere else. The whole thing was managed by volunteers, perhaps, of the Plebiscite Front and other local organisations. Mirza Afzal Beg was with Sheikh Sahib. The Akali leader, Sant Singh Tegh, was at the Rest House and later on sat on the dias when Sheikh Sahib spoke.

5th of June 1968

A well-known Sikh dry fruit merchant: I casually asked him how conditions were. He said they were not good "for us." He did *not think the State Government* policies which represented the *Government of India's* policies were helpful. When asked to explain this he said it will require time to talk in detail. (I intend to talk to him and some other Sikhs later on). When I asked him what he thought of Sheikh Abdullah he said Sheikh Abdullah was not a communalist in the sense that he wanted any disturbances between the communities but he was a "katta" muslim. That side of his character had some dangerous possibilities, he added.

6th of June 1968.

Governor Bhagwan Sahay: I had about two hours with Bhagwan Sahay, at the Raj Bhavan. He said that as we are old friends, he will talk to me as explicitly as possible but this conversation was to be treated as confidential. Therefore I cannot record here my talks with him. I can add this much that last year when I saw him he had only recently arrived in Srinagar to take up his new assignment. At that time he did not know much about the conditions prevailing here. This time I found him well-informed and with definite opinions.

7th of June 1968

I again had a talk with our tailor on the Bund. He was full of praise for Sheikh Sahib's role in controlling the crowds at Hazratbal on the day of the fracas between Hindu and Sikh students and Muslim students. He, too, said, like many others, that if Sheikh Sahib had not taken this definite stand, God alone knows how many houses would have been burned and how many people killed. It was interesting to note that he was very much disturbed at the shooting of Senator Robert Kennedy because he feared somebody might get the same idea here and shoot Sheikh Sahib.

8th of June 1968

G.M. Karra, President of the Political Conference, came and had tea with us. On Sheikh Sahib's return from Delhi after his release, G.M. Karra joined others and stated publicly that he would support Sheikh Abdullah. Since then it would appear he has not been in touch with Sheikh Sahib because no effort has been made by Sheikh Sahib to involve him in his movement.

Karra said that, in his opinion, Sheikh Sahib was quite confused in his stand. He added that the Government of India's stand was also confusing.

When I asked him where was the idea of his keeping on saying that his group is pro-Pakistan when he knew very well that Kashmir has to and will remain a part of India, his answer was that if one could see a way out as a result of the Government of India's position, he could also think in new terms. He said that he did not accept the Indian Constitution or the Kashmir Constitution. He brought out the point that the Indian Constitution was signed by Sheikh Sahib, Beg Sahib, Maulana Masoodi, and perhaps, one other person whose name he could recall, on behalf of Kashmir. He said that all these people were recognised leaders, but they had not been constitutionally elected to represent the people of Kashmir. He said the signatories from other parts of India were duly elected representatives, but not these Kashmiris. Similarly, he had not accepted the Kashmir Constitution because the Constituent Assembly which was elected in the time of the Prime Ministership of Sheikh Abdullah was not a duly elected body. There are perhaps only one person who stood against Sheikh's party and the rest were all elected without there being any polling worth the name. He felt that the same unrepresentative character of the Constituent Assembly continued even after Bakshi Ghulam Mohammed became the Prime Minister and it was this Assembly which ratified the accession. Therefore he did not recognise it. He added that though corruption was to be found in

other parts of India, corruption in Kashmir had become a way of life and it had started way back during the Maharaja's rule, and has continued to grow through all the different regimes. He kept on saying he has very pessimistic about the future of the state. He did not see a way out.

He made another point : Sheikh Sahib, on the one hand, wants popularity and on the other hand he wants power and money. He added you cannot have all these three things. He also said that all politicians here, including Sheikh Sahib, listen to what Radio Pakistan has to say and Pakistan's pronouncements have influence on Sheikh Sahib's attitudes.

9th of June 1968

We went to Ganderbal to See Maulana Masoodi, but unfortunately he was not there. He had gone to Hazratbal in connection with the Prophet's birthday.

10th of June 1968

Maulana Syeed Masoodi having learnt that we had gone to see him, took the trouble of coming to see us even though he is in pretty poor health. Though we had been told that Sheikh Sahib has not been in touch with Maulana Sahib, yet, I did not find him to be bitter or frustrated. He said that the hopes of the people here had been raised that after Sheikh Sahib's release the Government of India would sit down with him to find a solution of the Kashmir problem. So the people here were quite disappointed when nothing happened. Then when Sheikh Sahib announced that he will go to Delhi again, people thought that he was going there on the invitation of the Indian Government. They saw that he was ignored completely on his second trip a great deal of frustration and disappointment set in Srinagar.

Masoodi Sahib told us in detail with what difficulty he had controlled the people before the Pakistani invaders came in and soon thereafter, too. And he willingly admitted that

the position was becoming so difficult that they prayed they would be arrested and that is what happened. He agreed with me that the only way of solving this problem is for the Government of India to sit down with Sheikh Sahib. He felt a way could be found. I asked him if he agreed with me that the Plebiscite Front should fight the by elections. He said this has been his attitude all along. When I said to him that Chief Minister G.M. Sadiq had the reputation of being an honest man he said that honesty was not restricted to money matters only. There should be political honesty and Sadiq Sahib should see that he was honest people around him.

Maulana Masdooi brought out a point which I had not heard from anyone else. He said that both in Jammu and in the Valley, certain people were propagating Mso's ideas. He said that though the affiliated body of the CPI (Marxist) in Jammu has disbanded, he suspected this was done to create a facade to mislead people. In his opinion, two forces—Pakistan and China—were working in Kashmir and Jammu and he said he would not be surprised if at some stage they were to join hands together.

Dr. Miroslav Houstecky of the Czechoslovak News Agency has come to Srinagar to study the political problem here. I had a long talk with him. We covered the usual ground and finally he agreed with me that if the Government of India could come to some kind of a settlement with the Kashmiri leaders, Pakistans case with regard to Kashmir will be greatly weakened in the eyes of the international world.

Shri and Krishna Mulgaokar came for lunch. We fixed up an appointment to see Sheikh Sahib the next day.

Shri did not think it was proper for Sheikh Sahib to have named D.P. Dhar and Mir Qasim as the two men behind the communal riots which took place at the Engineering College.

11th of June 1968

The Mulgaokars and all of us went to have lunch with Sheikh Sahib and his family. Mirza Afzal Beg was also there.

After the lunch Shri, myself, Beg Sahib Sheikh Sahib and G.M. Shah went in and had about an hour's talk. As this talk covered some confidential points, I am not relating the same here.

12th of June 1968

Bakruddin Tyabji. He came and had lunch with us.

He said that Gajendragadkar was very much disappointed and upset that the Plebiscite Front was not only not going to submit any memorandum to the Commission but had attacked Gajendragadkar as being a prejudiced man. I told Tyabji about the talk I had with Sheikh Sahib and Beg Sahib in Delhi about this ; and the reasons given by them for not wanting to have anything to do with the Commission. He said that Beg had told Gajendragadkar that if they were given more time they will prepare a statement and Gajendragadkar agreed to this. I told Tyabji that it appears that neither Sheikh Sahib nor Beg Sahib had read Gajendragadkar's Sardar Patel Memorial Lectures at that stage. And when they read them carefully, they came to the conclusion that Gajendragadkar was a committed man. Therefore neither appearance before the Commission nor their submitting a memorandum would be useful.

Tyabji's son is posted here as a S.D.O. at Sopore. Through him he has been able to learn in detail about some of the malpractices that are prevalent here. I had a feeling that Tyabji's impression was that the State Government was ineffective. Perhaps, President's Rule should be introduced to run the State for about five years in an effective manner. He kept saying that such a small area could be run very efficiently if an honest effort was made to do so He said that Shiekh Sahib was concerned only with this little valley. He said he had all the potentialities of being an all-India leader, and he should work at an all-India level. I pointed out to Tyabji that unless Sheikh Sahib had a sound base in the valley, he could not be of any use at an all-India level because Kashmiris will resent his all-India

activities when nothing is being done in the State itself, such as clean and effective government and measures for better economic conditions and the reduction of corruption.

Tyalji saw my point.

Chief Minister G.M. Sadiq : I spent a little more than an hour with him. I had a good talk with him. As this talk too was of a confidential nature and as he did not want to be quoted I am not recording my talk with him here. All I can state is that he did not sound unreasonable and agreed that Sheikh Abdullah has a role to play.

Mirza Afzal Beg : Beg Sahib dropped in unexpectedly. I think the main reason for his coming was that he thought we had not quite understood the spirit in which Sheikh Sahib had spoken to us the previous day. I want to take up with him the question of the Plebiscite Front fighting the by-elections as one of the constructive means or making some progress but as we had another appointment I had to cut short my talk with him.

13th of June 1968

Balraj Puri. He came to see me and said he felt very disappointed that Sheikh Sahib had condemned his autonomy forum movement for Jammu as inspired by 'Imperialists'. My impression as well as my information was that Puri was a front man for Dr. Karan Singh. But he said this was not the case and that he had his differences with Dr. Karan Singh because the latter would not come out openly and say that he had changed his position on the question of splitting up the state and Jammu becoming part of Himachal Pradesh and so on. I told Puri that the general impression was that Dr. Karan Singh was financially supporting his movement and was at his back.

The other thing he said was interesting : I told him that Karan Singh had told me once that the natural leader in the valley was Sheikh Abdullah, and that he was the natural leader

on the other side of the Banihal, meaning all of Jammu including Doda District in the North and Poonch in the West. Puri said that was not the case and that Dr. Karan Singh was losing whatever following and popularity he had in Jammu state. He said that the Muslims in Doda and Poonch were against Dr. Karan Singh, so were the Jana Sangh and so were many other Hindu elements in Jammu. He did have following amongst the Dogras. Puri seemed to me to be depressed as he was not getting anywhere.

Mohammad Farooq, Editor of AZAM. He came to have an interview with me. The AZAM is a weekly and is a sort of religious-cum-political paper. It is the mouthpiece of the Jamiate-e-Islami which I was told is like the RSS of the Jana Sangh.

He was terribly worried about the communal riots in India and wanted to know the causes of these outbursts and what steps India was taking to stop them. He also asked questions about Sheikh Abdullah and India's intentions towards Kashmir. When I told him Kashmir had to remain within the four corners of the Union, he wanted to know if that would be acceptable to Pakistan or to Sheikh Abdullah. I told him that Pakistan did not come into the picture and where Sheikh Abdullah was concerned he will have to see what is good for the people of Kashmir.

I asked him if I was right in assuming that barring politically alive people in some of the big towns the average Kashmiri in the villages cared not at all nor even understood what it meant for Kashmir to be within the Constitution of India. I asked whether or not the main worry facing the average Kashmiri was how to get more food, clothing and shelter and whether or not economic progress was more important to the poor Kashmiri than the question whether Kashmir was part of India or not. He grudgingly agreed that most people were interested in improving their economic condition than in political issues.

Syed Mir Qasim, President of the Jammu and Kashmir Pradesh Congress : I spent more than an hour with him. He is quite blunt in his statements. As was to be expected he was very annoyed with Sheikh Sahib for maring him and D.P. Dhar for the communal trouble at the Engineering College. He thought it was ridiculous for Sheikh Sahib to think that they have to have communal trouble in the valley resulting in arson, violence and death just to arrest Sheikh Sahib. I asked him what was going on and what was the impact of Sheikh Sahib's presence in the valley.

He thought that everything was going on alright and Sheikh Sahib's impact on the daily life or on the question of law and order was pretty well nil. He thought that life in the valley will continue to be peaceful unless of course, Sheikh Sahib wanted to start some kind of movement which may create a law and order problem. He was of the opinion that if Sheikh Sahib did that then naturally he would be arrested. There may be some trouble then for a week or so and stern measures against the trouble makers would have to be taken but that sort of thing would not last long.

He was of the opinion that Sheikh Sahib's popularity was somewhat less just now. He said that in Tanmarg and one or two other places, he had bigger audiences when he went to speak to the people than Sheikh Sahib had at the same places. This, of course, is complicated by others.

I told Mir Qasim that when we went to Baramulla there were almost a lakh of people present to see and hear Sheikh Sahib. His reply was that Sheikh Sahib went to Baramulla for the first time and therefore there was a natural curiosity to see him and hear him after all these years. He added that if Sheikh Sahib were to go again to Baramulla he would not get such a reception. He said that wherever Sheikh Sahib goes for the first time, he gets good reception because after all he is the best known leader. I told him that it is alleged that at his (Mir Qasim's) meetings and Sadiq Sahib's meetings, the

government supplies busses and trucks to collect the people to make the meetings successful. His answer was that if the allegation is that we transport the same people to all these meetings, then it is wholly incorrect. But like other parties and leaders, we too supply transport facilities to the people in the nearby villages where the meeting is held by him or Sadiq Sahib.

We talked about the good role played by Sheikh Sahib at the Engineering College. He agreed that Sheikh Sahib played a good role. Then I asked him if he had any doubts about Sheikh Sahib's being completely non-communal. He said this has to be explained. He explained that Sheikh Sahib would never advocate the killing of Hindus or Muslims. But that his religious approach was not scientific. He mixed religion with politics. And he added that is why he has been criticising Sheikh Sahib for using the mosques and religious shrines for his political pronouncements. Then he said why doesn't Sheikh Sahib meet Sadiq, and added is it because he thinks we are all stooges of the Indian Government? I told him that Sheikh Sahib thinks that all the heads of the Kashmir Government have been spokesmen of the Indian Government and therefore he does not think any useful purpose will be served by his talking to Sadiq Sahib. If there have to be any talks, the talks must be with the principals and not through the mouthpieces.

Mr. Qusim was quite resentful of Sheikh Sahib's attitude towards him and others if they were nobodies. He said we may not be as big as Sheikh Sahib but we too have some following and we resent his condescending attitude.

Finally I came to my favourite theme. I told him that he and Sadiq Sahib and other Kashmiri leaders should think in long-range terms. And if they were to do so, they will see that unless some serious efforts are made for the emotional integration of the Kashmiri people with the rest of India perhaps in five years or so, the situation will go out of hand

which will bring misery and untold suffering to the people of Kashmir. I told him that if Kashmiri resentment took the form of violence, it will strengthen the hand of the reactionary elements in India and will give them an excuse to suppress the aspirations of the Kashmiri people. I said that to avoid such an eventuality Sheikh Abdullah's services should be used immediately. I told him that Sadiq and he and some others had an important role to play. Because if they were to tell our Prime Minister and other Indian leaders that Sheikh Abdullah is very important factor and is undoubtedly a leader of the people and therefore he should be brought into the picture by holding a serious and meaningful dialogue with him, I was sure that our leaders would listen to such advice. Then the deadlock that is at present existing between Sheikh Sahib and the Central Government may be broken which may in turn bring about a solution of the Kashmir problem. I even suggested that he should talk with Sadiq Sahib and both of them should approach Prime Minister Indira Gandhi during her forthcoming visit to Kashmir with a suggestion that a dialogue should be started with Sheikh Sahib. Much to my surprise he agreed with me and said he would talk to Sadiq Sahib.

14th of June 1968.

We went to Hazratbal to attend the Friday prayers which were of unusual importance because the prophet's Hair was to be shown. First we had lunch with Beg Sahib and other Plebiscite Front leaders on a boat and then we went to Hazratbal. There must have been almost of lakhs of people at this gathering. Sheikh Sahib was chairing the function. As almost all speeches were made in Kashmiri we could not understand what was being said. I had heard from Bhagwan Sahay, the Governor, how Sheikh Sahib sways the masses. He had given a graphic description and said that Sheikh Sahib recites the Koran before the meeting starts and that brings the full attention of the people to him and that if he notices at any time that people in the audience are getting a little restive then

again he goes back to reciting from the Koran which helps him in keeping their attention. It must be so because I was surprised to note that Sheikh Sahib has such a melodious and powerful voice and when he recites from the Koran even though one may not understand what he is reciting one is moved by his recitation. We could see the audience was greatly moved by his recitation Hazratbal. We noticed that men, women, and children in the audience joined him in prayerful attitudes.

15th of June 1968

Sheikh Sahib dropped in for a few minutes in the morning on his way to his office in the Majahid Manzil.

When I told him that I was surprised he had such a powerful and melodious voice and he could keep it up for such a long time he said "All politicians have to be actors, too." Sheikh Sahib casually mentioned about the meeting of the Integration Council in Sringar and said he just did not think that with the Jana Sangh in it, it could reach any consensus that may effectively help the communal situation in India.

18th of June 1968

Maulana Farooq : I went to see him at the Mir Waiz Manzil. When I started the conversation that I had heard he had been badly treated when he was in jail, he was so full of what had happened to him he spent almost an hour giving me the gory details of his treatment at the Interrogation Centre. He told me that for 20 days they kept him awake and would not let him sleep. He almost went out of his mind and began to have hallucinations. They were all the time interrogating him to find out what role he played when the infiltrators came into Srinagar. They accused him of masterminding the infiltrators' movements and that the Mir Waiz Manzil was the headquarters for such activities. I can quite see how this kind of physical torture must have left a deep mark on a young man of 22 years. I must say that experience has brought about

maturity in Maulvi Farooq. He said he had nothing to fear any more because nothing worse could ever be done to him than was done that time. He was so unprepared for that kind of treatment. After all he was a religious leader with a certain following and he did not think that they would subject him to such cruelties. He had no idea of what an interrogation Centre was and how they went about their job of crushing a main spirit. I was deeply shocked to hear his account and began to wonder why we adopt such inhuman methods to achieve our ends.

Mr. Lakshman of PTI came to have a talk with me. Apparently he had got some idea from somewhere about my efforts to enroll Sadiq's and Mir Qasim's help in breaking the deadlock between the Central Government and Sheikh Sahib. I told him that I would give him an idea of my talks with Sadiq and Mir Qasim but for background purposes only, and I did not want anything to be publicised about my activities. Lakshman repeated that Sheikh Sahib was undoubtedly the outstanding leader here.

Khosla of Times of India : Mr. Khosla continues to be somewhat critical of Sheikh Abdullah. He would like him to all the time make pro-India statements. He seems to get annoyed whenever Sheikh Sahib makes critical references to India. He made one observation which was interesting : He said that the Kashmir police which is about 90% Muslim will not lathi charge a crowd when ordered to do so. And if for law and order purposes the outside police is called in then there is all kinds of hullabaloo about the cruelty of the police which is mostly Hindu and Sikh. I will try and verify this statement. At another stage he said that Sheikh Sahib does not have anything new to say and keep on repeating the same arguments and therefore he has decided not to cover his meetings at least for the time being.

20th of June 1968

Goodie Oberoi came to have Lunch with us. Apparently the circle she is moving about with is pro-D.P. Dhar and Mir Qasim. She did not think that D.P. Dhar was as bad as he is painted. She gave us the idea that D.P. was going through a retrospective mood and was sorry for some of the things he has done. I wish I could believe all this.

She was of the opinion that Mirza Afzal Beg did not look kindly upon the Swatantra Forum. I do not think Beg has to worry much about the Swatantra Forum which is not even a party as yet, and is in the same kind of doldrums which the Swatantra Party itself is in. She was of the opinion that if the Forum was turned into a proper party, many people would join it. Of course she was worried about Minoo Masani's future role in the party as it was Minoo who encouraged Goodie to start the Swatantra Forum.

21st of June 1968

Mr. J.R. Sahni of the Gandhi Sewa Centre : Mr. Sahni came and a cup of tea with us and brought me the letter from Jayaprakash Narayan. He also wanted me to fix up an appointment for him with Sheikh Sahib so he could deliver J.P.'s letter to Sheikh Sahib. This was done. He told us of the arrangements he was making for the delegation coming on behalf of the Sarva Seva Sangh.

He gave us some idea of the social work he was doing in the villages and confirmed what had been told by others that in the villages too, the recognised leader of the Kashmiri people was Sheikh Abdullah.

22nd of June 1968

Balraj Puri : He came to see me in the morning. He sounded very frustrated because notwithstanding his old association with Sheikh Sahib, Sheikh Sahib had treated him very coldly and indifferently. He repeated all that he had told

me earlier. He also said again that whatever following Dr. Karan Singh might have had in Jammu had been greatly vitiated. (To some extent this was corroborated by press reports which indicated that in some parts of Jammu, Dr. Karan Singh's processions and meetings were disturbed). Balraj Puri has no role to play in the valley and whether or not his Autonomy Forum will go far in Jammu is to be seen.

Humayun Kabir : He is here participating in the National Integration Council meetings. He sat with us at dinner and told us that so far the NIC deliberations were quite satisfactory. He was sorry that Sheikh Abdullah had not been invited to the Council. He asked me about the role Shaikh Abdullah had played when the communal disturbances took place in the Engineering College resulting in the death of one Muslim student. I told him that the Government virtually abdicated in the vicinity of the college and Hazratbal and that everyone was agreed that but for Sheikh Sahib's taking charge of the situation and valiantly attacking a mob of 1500 to 2000 emotionally-aroused people, there would have been very serious trouble in the valley.

23rd of June 1968

Damal-Hanji-pura : We went to Damal-Hanji-pura, 55 miles away from Srinagar to attend a meeting which was originally to be addressed by Chief Minister G.M. Sadiq and Congress Pradesh President Syed Mir Qasim. But latter we were informed that the Home Minister Mr. Y.B. Chavan would also address the meeting.

Our car was in the caravan which had four jeeps with police and security besides Chavan's and Mir Qasim's cars. Our car was 5th in the procession therefore when Chavan's car halted at some places where villagers had gathered, we were able to note the number of people present and their reactions. As would be expected, everywhere the cars stopped a certain number of people cheered. It was evident that to many of these villagers this was something out of the ordinary—the

Chief Minister's presence and that of Chavan and other outsiders created a diversion from their daily chores of working in the paddy fields. In all these places there were quite a few women present and in one or two places they were singing. I noticed one incident which may be something or nothing at all. Three or four girls in the front row were clapping their hands when suddenly an elderly women slapped the back of one of the girls as if to say, "Don't clap." And they stopped clapping. In other places curiosity was writ large on the faces of the people. Our impression was that the cheering etc., was of a passive nature and not full of enthusiasm as we had noticed when we had gone to Baramulla with Sheikh Sahib.

At Damal-Hanjipura we were escorted to seats on the right side of the speakers' platform. My estimate would be that there were three to four thousand people at this meeting. Out of this, 300 or so, mostly young men seated on durries in front of the speakers platform were what may be called an organised group. This group had cheer leaders and when cheers were called such as "Chavan Zindabad", "Sidiq Zindabad", "India Zindabad", "Indian National Congress Zindabad", these 300 responded quite vigorously. I did not notice any response from the rest of the crowd which did consist of men and women from adjoining villages.

In Mr. Chavan's speak he said that many petitions had been handed to them when they were driving to the place, asking for water, electricity, schools and other amenities. He said this was a good sign because this is what people all over the country ask for. Apparently wherever the procession was stopped some petition was handed in.

I felt that the decision to support the Sadiq Government even more so than before had been made when Chavan pointing to Sadiq said that "We all must strengthen his hands."

After the meeting was over, Mr. Dhar, Secretary of Mr. Sadiq came over to us saying that the Chief Minister would like us to join them for a cup of tea at Arabal about 3 miles

from Damal-Hanjipura. As I was feeling tired, we declined the invitation and drove back to Srinagar.

24th of June 1968

Mirza Afzal Beg dropped in this morning and we fixed up to go to Anantnag for lunch with him on Sunday, June 30th (a) to see his home and (b) to have a long talk.

25th of June 1968

Mr. P.N. Haksar, Secretary to the Prime Minister sent a note to say he would come and see me at 6.00 p.m. but then a telephone call came cancelling the appointment.

27th of June 1968

We went to have lunch with Bakshi Ghulam Mohammed at his house in Nishat. Mr. M. Aleem, Vice-Chancellor of Aligarh University was also there. Amongst other things Bakshi Sahib brought out a pertinent point that the local government missed an excellent opportunity by not holding a public meeting so that leaders of the different political parties and the Ministers could address a large number of citizens of Srinagar. I also heard this criticism from other sources and the fact that the Pradesh Congress Party did not call a meeting of the workers and others to meet Mr. Nijalingappa, President of the Congress was particularly noted. Of course anti-Congress circles attributed this to the fear that Mir Qasim and others had that at a public Congress Party rally, demonstrations against Nijalingappa may take place. And they did not want to risk that.

28th of June 1968

We all went to Ganderbal to attend one of Sheikh Sahib's meetings. As Mr. K. Rangaswamy of the HINDU could not get transport we took him along with us. As we all know he has been writing most critically about Sheikh Sahib. I had many discussions with him as he too was staying at Nedou's. Let us hope that he has mellowed down a little bit.

This meeting at Ganderbal was not a very big meeting. There were perhaps about 3,000 people present. Quite a few speakers preceded Sheikh Sahib as this was not a purely political meeting. It was a meeting held to celebrate the birthday of some saint. Sheikh Sahib spoke forcefully and for the benefit of some of the members of the Sarvodaya and he spoke partly in Urdu especially those parts relating to India-Kashmir relations. All his references that Kashmir will never tolerate servility by whom so ever it may be imposed and his favourite slogan "This is our country ; we will decide its fate," brought tremendous cheers from the audience. It was interesting to note that even his reference to his opposition to Pakistan if Pakistan wanted to inflict its authority on Kashmir also brought loud cheers.

Maulana Syeed Masoodi who is a wonderful speaker also spoke for a short while. He talked about the saint's teachings and did not touch on political matters.

29th of June 1968

We had lunch with *Sardar Harbans Singh Azad*, former minister for 11 years or so and who lost in the 1967 general elections. He is now chairman of the Jammu and Kashmir Khadi and Village Industries.

Sardar Harbans Singh was opposed by a National Conference candidate who won the election. It was surprising to learn from him that he considered that he lost the election because the Hindu-Muslim question was played on by the opposing side. According to him their approach was "do you want to vote for the Koran or for the Bhagwad Gita and Granth Sahib ?" When I suggested that how could the National Conference workers bring up this communal question when Bakshi Sahib was not only for continued relationship with India but also preached secularism, Sardar Harbans Singh said, "That is all talk. When it comes down to brass tacks, Muslims will vote for Muslims in the Vellay." Harbans Singh seemed to be somewhat frustrated that he was out of politics.

He did not think there was much future for Hindus and Sikhs in the valley, an expression which is at some variance with what some of the Pandit business men feel even though many of them also think that perhaps it would be better for them to migrate to India.

30th of June 1968

We drove out to Anantnag and had lunch with Mirza Afzal Beg and his nephew Yakub Beg—a practicing lawyer at Anantnag.

I gave a gist of my impressions to Beg Sahib. He agreed that there was very little they could do so long as the government of India was not in a mind to have a dialogue with Sheikh Sahib. He seemed to be very proud of the fact that the Plebiscite Front was attracting a lot of members and he said there were about 900,000 members of the Plebiscite Front. Even if there are only half of that number, still it is a notable achievement.

In my talk I laid great emphasis on their fighting the by-elections, when they are held. I told Yakub Beg what I had told Beg Sahib and Sheikh Sahib earlier in Delhi. I told them it is easy to watch an election than to watch 1200 polling booths at one time in a general election. With regard to the other objection of signing the oath of allegiance to the Constitution of India I pointed out to them that the Indian Congress which was wedded to the overthrow of the British Empire, signed an oath of allegiance to the British Crown when they took office in 7 provinces in 1937. Also, though Sheikh Sahib was dedicated to the cause of "Quit Kashmir" and wanted Dogra rule to be ended, he too signed an oath of allegiance to Maharajah Hari Singh when he became Prime Minister. I told them that this is conforming to certain rules and regulations, just as they obey traffic laws.

Later we all drove to Acchabal and had tea there.

1st of July 1968

Sheikh Sahib and Beg Sahib accompanied by Tony Wright (Phd scholar from the National Australian University)

came quite late to the Nedou's dining room to have dinner after having spent the day addressing meetings in the Lolab valley area. We sat up until about 11.00 p.m. talking about various matters.

2nd of July 1968

I gave a press conference at 11.00 a.m. Copy of the points I made at the press conference is attached at the end of these narates.

1.00 p.m. Mr. and Mrs. Jan Schumacher came to have lunch with us. Mr. Schumacher is No. 2 at the United Nations Headquarters in Srinagar. I was interested to learn from him that for several months the cease-fire line has been pretty quiet. He said that if there is some slight infringement the United Nations observers go and talk to the officers concerned on both sides of the CFL and almost always a settlement is reached without much fuss.

7.30 p.m. We had drinks with Mr. and Mrs. S.P. Sahni (of U.N.I.) at the Srinagar Club.

I asked Sati who is a good friend of Bakshi Ghulam Mohammed if the National Conference was breaking up. He did not think so. He said there have been some defections mostly in Jammu but nobody important in the valley has defected.

It is generally conceded that the Jammu and Kashmir High Court judgment in favour of Shaffi Qureshi (a Deputy Minister in the Central Government) in the case of Shamlal Saraf versus Shaffi Qureshi, has done a lot of damage to the National Conference. I heard from various people that it was a political judgment and not a judicial decision. This has created a feeling that even the local judges are being influenced which means to them that the election petitions most of which are being contested by the National Conference, will go against the latter. Therefore the desire on the part of many National Conference workers and others to quit the party.

I met Mr. Bhasin, the older brother of Prem Bhasin, General Secretary of the PSP, who had advocated the case of Sham Lal Saraf. He told me, "What are we doing here? What kind of an image is India putting before Kashmir?" He said that until 10.00 p.m. the night previous, he had been informed that the judgment was going to be in favour of Shamlal Saraf. But suddenly the whole thing changed and the judgment was given against him. A lot of people mentioned the fact that Minister Dinesh Singh's presence in Srinagar at that time had something to do with it. Another person told us that Ashok Sen who was appearing on behalf of Shaffi Qureshi had told quite a few people that he had "a weak case". I must confess that to me as a layman the judgment sounded very queer in which the judge had called the Assistant Returning Officer a "liar" and also admitted that this Returning Officer hampered the efforts of Shamlal Saraf to take the oath. And yet, because the oath was not taken, he gave the judgment against Saraf.

Sati Sahni told us about the differences that have come to exist between Sadiq on one side, and Mir Qusim and D.P. Dhar on the other side. The differences between Mir Qasim and Sadiq have, for the time being, been "rafooed"-patched up.

3rd of July 1968.

We went to have lunch with Sheikh Sahib which was being given for him by one of the Plebiscite Front workers, in his private home. Even though it was a private lunch in a private home; a lot of arches were erected, and the narrow little street was decorated. There were a lot of women and children present in and around the house who kept on chanting "Sher-e-Kashmir Zindabad". It was worthwhile noting the reverence and affection the people showed to Sheikh Sahib.

5.00 p.m. Sheikh Sahib, Begum Sahiba and Khalida came to say goodbye to us.

Sheikh Sahib told me he was going the next day to a place near Ganderbal to hold a preparatory Committee meeting for the All Parties Conference in September. I again repeated what I had told Sheikh Sahib and Beg Sahib earlier as well as to Shamim Ahmed Shamim that irrespective of the fact that the Jana Sangh and the Congress Party point-of-view is known they should all the same be invited. If they did not come at least the organisers of the All Parties Conference will have done their duty.

Earlier Sheikh Sahib had raised the question of finding a consensus at this conference and had said that how could consensus be reached with Jana Sangh and the Congress in its likely answer was that though consensus is very desirable, the Jana Sangh and the Congress should be given the opportunity to state their case just as the others will state their case. I was glad to hear from Sheikh Sahib that he had decided to invite both the Jana Sangh and the Congress.

Sheikh Sahib and I talked about my press conference of which I will make a separate note.

4th of July 1968.

Beg Sahib, Shamim Ahmed Shamim and Prem Nath Bazaz came in the morning to wish us goodbye.

We left by Caravelle plane at 12.40 p.m. for Delhi.

(ICWA : mimeographed).

OBSERVATIONS

Background.

As I have mentioned in the preface, this was my 8th summer in the Kashmir Valley. The first time I went there was in 1959, upon my return from the USA.

Bakshi Ghulam Mohammed was then the Prime Minister of the State of Jammu and Kashmir. It was that year that I met him for the first time. So I have been able to observe the changing tempo as well as the political pulls and stresses as they were in evidence during Bakshi Ghulam Mohammed's regime and later, G.M. Sadiq's regime.

It has also given me the chance of comparing one year to the other.

No doors have been barred to me and almost every year I have met members of the ruling party and the opposition party leaders when they were free. This was the first year after 1964 that I was able to measure the effect of Sheikh Mohammed Abdullah's presence on the scene.

Climate In The Valley.

For the first time in the past eight years, I noticed a certain relaxation in the mood of the people. Also there were no more scribbled signs on the walls saying, "Indian dogs go home" nor young urchins saying the same thing when they saw some Indians in the interior of the city.

I think this can be related to the fact that Sheikh Mohammed Abdullah is not under detention and is living amidst the people. They can go and see him, meet him, or hear him at public meetings. As Sheikh Abdullah does not encourage anti-Indian sloganizing, the anti-Indian slogans, as I have mentioned

above, were absent this year. This does not mean that anti-Indian feelings have disappeared. This only means that these feelings have been submerged for the time being.

This relaxation in the mood of the people may also be due to other causes : (a) the present government's somewhat liberal policies. I gathered that not many people are harassed by the police these days as they were until last year. (b) The people seem to be tired of agitations and the ensuing sufferings. They all seem to be hoping that now that Sheikh Abdullah is free, he will be able to reach some kind of a settlement with the Government of India whereby uncertainties are removed and greater efforts are made in the economic field which, after all said and done, is the most important factor in the lives of the Kashmiris as it is in the lives of the havenots elsewhere.

Disenchantment with Pakistan

I was very much encouraged to notice that amongst intellectuals, professionals, and well-to-do businessmen a certain disenchantment with Pakistan has come to exist. Perhaps, it is due to the fact that Pakistan was unable to take over Kashmir in the 1965 war or perhaps, this is due to the realisation that except religion the Kashmiri Muslims have nothing in common with the Punjabi Muslims.

A leading businessman told me that by and large businessman do not want to go to Pakistan. He gave the example of the treatment meted out to Bengali Muslims by the Punjabi Muslims, also the treatment meted out to Khan Abdullah Gaffar Khan and Khan Abdul Samad Khan.

This disenchantment with Pakistan could grow and manifest itself more pronouncedly if Hindu-Muslim clashes in other parts of India were eliminated.

Of course, there is a hard-core of pro-Pakistanis, especially amongst the young people. They exaggerate and make dangerous use of Hindu-Muslim riots in the country. They tell the people that "their life, property and honour could not be

safe in India." Their telling argument is, "At least in Pakistan, you will not be killed just because you are a Muslim."

In my judgment the pro-Pakistan elements, as yet, are not formidable. They are centred in a few big cities. But any unfavourable circumstance, such as Hindu-Muslim riots in Kashmir, or if an agitational political situation develops, these elements could spread out into the interior. It is interesting to note that though these pro-pakistan elements know that Sheikh Abdullah does not want to go to Pakistan yet they have hardly anywhere opposed him or attack him publicly.

G.M. Sadiq and Congress Pradesh Chief Mir Qasim

I was very much interested to note that both Mr. Sadiq and Mr. Mir Qasim have started going out into different parts of the valley to address public meetings. This is something they have started only recently. They hardly addressed any public meetings last year. The object of these meetings seems to be counteract the effect of Sheikh Abdullah upon the people at such gatherings. This is obvious because they seem to be going to almost the same places where Sheikh Abdullah has already addressed a meeting or proposes to go at a later date. Seeing this Sheikh Abdullah at one of his meetings suggested that instead of their following him wherever he goes they should have joint meetings where he would express his point of view and they would express their point of view. He teasingly added that he would personally guarantee their safety at such meetings.

I am glad that G.M. Sadiq is stirring out because one of the criticisms one heard against him was that he does not meet the public and is surrounded by a selected coterie who are the only ones who can reach him.

Mir Qasim is more outgoing and hard hitting. Somebody told me that both G.M. Sadiq and Mir Qasim at their meeting attack Sheikh Abdullah but nothing happens and nobody mutes his voice. It is understandable that at such

meetings where there is evidence of "security" and police, the people would not say anything which may bring upon them the wrath of the authorities.

It can be stated that in the audiences addressed by these two gentlemen the glow in the faces of the audience is absent, something that one notices in the audiences addressed by Sheikh Abdullah.

Sheikh Mohammed Abdullah

Some time ago, people who want the Sheikh to be "cut to size" or "put on the shelf" started a campaign in Delhi that Sheikh Sahib had lost his popularity and his following had dwindled and he was getting poor audiences.

When I went to Srinagar I decided to look into this aspect before checking into anything else.

As a result of my five weeks' observations, I can say with a certain definiteness that Sheikh Abdullah continues to be the outstanding leader of the Kashmiris. No one else, whether among the ruling party or any other party, can come near him. What is more important is that he is a leader who is loved by his people. This time I noted that there is a "spiritual" quality to Sheikh Abdullah's leadership. And I don't mean "religious" quality.

Also it is clear to me that no one in Ladakh or Jammu can claim the leadership of the people of the quality and quantity that Sheikh Abdullah enjoys. As a matter of fact in the Muslim areas of Jammu, such as Doda-Kishtwar and Poonch, he is the outstanding leader. And the same is true of the Muslim area of Kargil in Ladakh where he is the accepted leader. This leaves one with the Buddhist area of Leh in Ladakh and Hindu areas of Jammu. Even in the Hindu areas of Jammu there is no Hindu leader who can command a unified following. Therefore it would be perfectly correct to say that Sheikh Abdullah is the outstanding leader of the state of Jammu and Kashmir.

The allegations against the Sheikh that he mixes "religion with politics" and that he has taken "politics to the mosques" are spurious. I have heard Sheikh Abdullah recite from the Quran at public meetings but then don't we also sometimes recite devotional bhajans at our public meetings? He seldom uses mosques to speak from excepting the shrine at Hazratbal. Sheikh Abdullah in recent months has addressed dozens and dozens of meetings in different parts of the valley and not one of them was held in a mosque.

The other thing I was delighted to observe was Sheikh Abdullah's uncompromising belief in secularism. This was in evidence when riots took place in the Srinagar Engineering College between Hindu and Sikh boys on one side and Muslim boys on the other. Not a single Minister of the local government went to that area when these dangerous developments were taking place. It was Sheikh Abdullah who single-handedly faced the emotionally roused mob of 1500 or thereabouts from taking out a procession which would have meant communal disturbances. He would not allow the body of the Muslim boy who died as a result of injuries sustained in the communal fracas at the Engineering College, from being taken in a procession because he was afraid that, too, would lead to Hindu-Muslim tension. Much against the wishes of the boy's relations and other sympathisers, he had the boy buried in the wee hours of the morning. When he heard that plans were being made to have a hartal in the morning, he sent his workers all over the city and forbade the people to observe hartal. He threatened that he would personally go and break open the doors of any shop that remained closed.

And yet, some of us have dubbed him a "communalist".

I heard nothing but praises for Sheikh Abdullah's role at the Engineering College. The most grateful expressions came from the Kashmiri Pandits, Punjabi Hindus and Sikhs.

Mirza Afzal Beg—President of the Plebiscite Front

I have come to the conclusion that Sheikh Abdullah has decided to build up another Kashmiri personality during his life and that is why he is promoting Mirza Afzal Beg everywhere. Also as a political leader Sheikh Abdullah realises that he has to have a machine behind him. He has to have trusted cadres of workers. This the Plebiscite Front has. And that is why Sheikh Abdullah is building up not only Mirza Afzal Beg but also the Plebiscite Front.

The split in the Plebiscite Front

Some old and trusted colleagues of Sheikh Abdullah and Mirza Afzal Beg have been ousted from the Plebiscite Front because they did not boycott the 1967 general elections. This is unfortunate but the split does not have much significance. And I shall not be surprised that before long these old colleagues are back in the fold.

Maulana Sayeed Masoodi

It would be wrong to say that Maulana Masoodi belongs to the ousted group of the Plebiscite Front. Maulana Masoodi is respected by all and if his health would improve, he would be sitting in the councils of Sheikh Abdullah.

G.M. Karra—Chairman of the pro-Pakistan Political Conference

I do not think Karra wants Kashmir to go to Pakistan. But he is stuck with this organisation and he does not see any reason to change its name or its programme until some settlement is reached with the Government of India. He is somewhat lonesome and pessimistic. Karra has a very small following.

Maulana Farooq—President, Awami Action Committee

I have known Maulan Farooq since 1964. Until 1965 he seemed to be very immature. For instance, when I saw him in

1964, he had three or four associates sitting with him. And when the questions became "hot" he would look at his associates to give proper answers. But this time when I saw him, he was all alone and quite sure of himself. I suppose the two years' incarceration in jail including 20 days of inhuman "interrogation centre" atrocities have matured him.

I think I had better record my 1964 talk with Maulvi Farooq as his stand, at least publicly, has not changed. In 1964 I started my conversation by saying "I hear Maulvi Sahib you want to go to Pakistan. Could you tell me why? He replied, "I am glad you have already been informed that I want to go to Pakistan. As to your question, "Why", my answer is that I feel that my life, my honour, and my property will be safe in Pakistan." I said, "You could certainly go to Pakistan as your Uncle, Maulana Yusuf Shah, has done. But how are you going to take this territory called Jammu and Kashmir to Pakistan?" His reply was, "Ah, you have promised to hold a plebiscite. And if a plebiscite were taken, the people would decide to go to Pakistan. You must keep your promise." I said, "Maulvi Sahib, have you ever heard of the word 'reneging'?" He said he did not know what 'reneging' meant. I said, "Reneging' means breaking one's promise. Our government will not say this but I am telling you that for reasons which we consider be gitimate and good, we are unable to keep our promise. So what are you going to do about it?" He and his associates are breaking a promise and all they could do was to say that one should not break one's promises, etc. I said, "You are quite right. One should not. And you would be right in condemning us for doing so but it does not solve the problem." Then I ended up by asking him to join his forces with Sheikh Abdullah's, who was trying to find a way out and, perhaps, would have succeeded if Prime Minister Jawaharlal Nehru had not died at that particular juncture. He agreed with me, but as later events showed other influences were brought upon him and he did not join Sheikh Sahib.

In 1965, I again told Maulvi Farooq that his independent stand was not going to get him anywhere. He replied, "But I have joined Maulana Masoodi and Karra in the Satay-grapha movement and I am sending my volunteers too."

I think today this young man has built up a fair following. But this is based mostly on the fact that he is the Mir Waiz — the religious leader of Kashmir. He is not afraid any more. He said, "After what they did to me in the last two years, there is nothing more they can do to hurt me. So I am not afraid any more."

Shamim Ahmed Shamim

Shamim is a young man and as is to be expected he is accused of being very ambitious. I do not think one should sold that against any young man so long as he does not adopt unscrupulous methods to achieve his ends. He is the editor of a weekly called "Ayeena" and his editorials are very forceful and hard-hitting. He is also a Member (Independent) of the State Legislative Assembly and is a lawyer by profession. According to him, he has been offered all kinds of temptations such as being made a minister in the Kashmir Government, finanacil help for making his paper into a daily, and so on. I told Shamim that if he keeps his nose clean, in years to come, he will be the big man in Kashmir.

Conclusion

Because of the attitude of the Central Government towards Sheikh Sahib, everything is hanging fire. Though I have noticed that Sheikh Sahib's attitude has hardened, yet, there is very little he can do. If he were to start some kind of an agitational programme, the government would put him and his associates back in jail. This will result in a short-lived period of demonstrations, both violent and non-violent. The demonstrations may not last long but they will certainly leave behind a legacy of bitterness and hate. This will be no solution and

the cause of the people of Kashmir, which is so dear to the heart of Sheikh Sahib will suffer. So Sheikh Sahib has to bide his time with a hope that a sense of realization may take place among the leading members of the Central Government that in long range terms the present set-up in Kashmir is bad. And unless something is done soon relations between the people of Kashmir and the people of the rest of India will further deteriorate with unhappy consequences both for India and Kashmir.

My suggestion would be that all of us who want to create emotional integration of the people of Kashmir with the rest of India should make all efforts to impress upon our government that it would be in the national interest of India to use the services of Sheikh Abdullah for this purpose and start a dialogue with him. I may add here that, as yet, perhaps, it is not too late to persuade Sheikh Abdullah to work for a solution within the Union of India.

Finally, my belief is that if we can reach a settlement with the Kashmiri leaders, we can destroy Pakistan's case as far as Kashmir is concerned. It is a well-known fact that Pakistan has been encouraged and supported by the world governments on the question of Kashmir. We have always been in the dog house where Kashmir and world opinion is concerned. It is true that most people are tired by now of the Kashmir question, yet, in their minds, we are "wrong" and Pakistan is "right".

For over ten years, while living in New York, I watched the United Nations debates on Kashmir. I was able to win friends for India on many issues, but I was never successful in winning anyone to our point of view on Kashmir. It is because of this that more than two years ago, I started thinking in terms of settling the Kashmir problem with Pakistan via Kashmir.

In the last two years, I have discussed this matter with any number of Ambassadors, high Commissioners, resident and visiting foreign newspapermen, visiting foreign dignitaries,

and so on, and I have been assured by everyone I have talked to that if India could come to a settlement with the Kashmiri leaders, most particularly with Sheikh Abdullah who in their minds represents the "opposition" then the case of Pakistan will lose all its potency in the world chanceries. I am also convinced that once Pakistan realises that it has lost the support of the international world, it will begin to have second thoughts about Kashmir. The Pakistanis are likely to yell and belly ache for some time and will undoubtedly denounce Sheikh Abdullah as a traitor, yet, within a reasonable time-say two or three years-they will begin to accept the importance of the fait accompli and may then think in terms of negotiating with India on other matters, thus removing some of the rough edges that now exist between India and Pakistan.

As I do not belong to that school of thought which believes that India and Pakistan can never be friends and Pakistan will find one excuse or the other to carry on its hate campaign against India and entertain inimical intentions towards her, I think a settlement with the Kashmiri leaders may eventually bring about understanding and friendship between India and Pakistan.

Am I hoping for too much ? I think not.

